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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 66/144 of 19 December 2011, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", in which the Secretary-General was requested to submit to the Assembly, at its sixty-seventh session, a report on the implementation of that resolution, with recommendations.

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I. Introduction

1. In its resolution 66/144, the General Assembly emphasized its alarm at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies.

2. In the same resolution, the General Assembly underlined the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination. It stated that resolute action and cooperation were required to eradicate any form of impunity for crimes motivated by racist and xenophobic attitudes. The Assembly also underlined that impunity played a role in weakening the rule of law and democracy and tended to encourage the recurrence of such crimes.

3. In accordance with previous practice and pursuant to General Assembly resolution 66/144, the present report summarizes information received from various actors. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested information from Member States and various stakeholders on the implementation of the resolution. Submissions were received from Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Finland, France, Greece, Guatemala, Jordan, Lebanon, Malta, Mauritius, Mexico, Norway, Oman, Poland, Samoa, Slovakia, Spain and the Sudan. The Department of Public Information, the Office of the United Nations High Commissioner for Refugees (UNHCR), the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also contributed to the report. Contributions were also received from the African Union and the European Union, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and national human rights institutions, including the Dutch Equal Treatment Commission and the Equality and Human Rights Commission.

II. Contributions received

A. Member States

Argentina

4. Since its establishment, the National Institute to Combat Discrimination, Xenophobia and Racism has carried out activities to raise the profile of historically vulnerable groups and awareness within society of non-discrimination and respect for diversity. In the past year it has conducted numerous activities to promote the recognition of different cultures in Argentina and has developed various training and reference materials.

5. Argentina established its National Plan against Discrimination on the basis of the Durban Declaration and Programme of Action.

6. Act No. 23.592 establishes an aggravating circumstance for offences committed on the grounds of persecution or hatred of a race, religion or nationality

or for the purpose of completely or partially annihilating a national, ethnic, racial or religious group.

7. The Education Department of the National Institute to Combat Discrimination, Xenophobia and Racism designs and implements positive actions to encourage respect for human rights, while providing the tools necessary to develop and strengthen comprehensive training for individuals and enable them to develop their own path in life. Its Intercultural Department established an interreligious project to promote dialogue among members of different religious faiths through collaborative efforts to create training and awareness-raising materials.

Armenia

8. Armenia has elaborated a draft law on freedom of conscience and religion, which sets up guarantees to ensure the freedom of conscience, religion and belief, including through the prohibition of discrimination, interference and restrictions on the freedom of conscience, religion and belief, rights and obligations of religious organizations, their registration and many other issues.

Azerbaijan

9. In Azerbaijan, awareness-raising activities are conducted, in the context of the National Action Plan for the Protection of Human Rights, on the strengthening of intercultural dialogue and interfaith cooperation, the protection of the cultural heritage of ethnic minorities, the prohibition of discrimination and the promotion of a culture of peace and tolerance.

10. With regard to human rights education, the Ministry of Education organized a number of seminars and round tables for teaching its staff on international humanitarian law in cooperation with the International Committee of the Red Cross. Its activities included training on national minorities, respect for people representing different cultures, nationalities, languages and religions, and tolerance and mutual understanding among people representing different cultures and religions.

Bosnia and Herzegovina

11. Racial discrimination and other forms of discrimination are expressly prohibited in the Constitution of Bosnia and Herzegovina and are considered offences under the Criminal Code. Bosnia and Herzegovina, in this regard, implements a policy of eliminating racial discrimination both in the general framework and through the promotion and recognition of equal status for all in legislative, judicial, administrative and other measures.

12. The adoption in 2009 of the Anti-Discrimination Law, based on the European standards is also noteworthy. According to the Law, all public authorities have an obligation and duty to combat, refrain from and remove obstacles that directly or indirectly result in discrimination. They also have a duty to actively create conditions for equal treatment.

13. Activities are also undertaken with a view to strengthening tolerance in society, especially towards the Roma, in particular through the implementation of the Law on the Protection of National Minorities, which came into effect in May 2003. Those activities include the adoption in 2004 (and revision in 2012) of an action

plan to meet the educational needs of Roma and other national minorities in Bosnia and Herzegovina.

Cyprus

14. Cyprus noted the establishment in 2005 of the Office for Combating Discrimination in the Police, which is responsible for all issues relating to discrimination, racism and xenophobia. The Office initiates such activities as the collection of disaggregated data concerning discrimination, the appointment of ethnic liaison officers at every Divisional Police Headquarters to liaise with the local leaders or members of ethnic communities and to focus on issues of race or ethnicity, and the organization of public social events with a view to bringing the ethnic communities and the police closer and building better mutual understanding and respect.

15. In terms of police training, concrete, effective and proactive anti-discrimination measures continue to be taken in order to prevent and combat certain discrimination phenomena related to the performance of policing duties, in particular through the inclusion of human rights issues in the curricula of all ranking officers and recruits at the Police Academy, including series of training courses on discrimination, racism and xenophobia taught at various levels at the Cyprus Police Academy.

Finland

16. The reform of anti-discrimination legislation in Finland has been under way since 2007. The aim of the reform is to develop legislation that effectively guarantees equality irrespective of the discrimination grounds.

17. In March 2012 the Government of Finland adopted the first National Human Rights Action Plan. Also in 2012, the national human rights centre started to work as an adjunct to the Office of the Parliamentary Ombudsman. In conjunction with the administrative reform in 2008, a new area of responsibility — non-discrimination — was established at the Legal Affairs Unit of the Ministry of the Interior with the following tasks: (a) to support and monitor non-discrimination planning by the authorities; (b) to develop and implement the system for monitoring discrimination; (c) to fit together coordination and developing tasks related to combating racism and ethnic discrimination so that they concern both new and old ethnic minorities; and (d) to fit together programmes and projects of the European Union so that they cover all or most of the following grounds of discrimination: ethnic origin, religion or conviction, age, disability and sexual orientation.

18. The Additional Protocol to the Convention on Cybercrime took effect in Finland in 2011. An amendment to the Criminal Code took effect in June 2011, providing additional powers to intervene in racist and other hate speech and in other racist crimes.

France

19. France has developed a National Action Plan for the period 2012-2014. The Plan was developed by the Ministry of the Interior, in conjunction with other departments and in consultation with civil society, and was approved by the Council of Ministers on 15 February 2012. The post of interdepartmental delegate for the fight against racism and anti-Semitism was established by decree on 16 February

2012, and a high-level official was appointed the interdepartmental delegate by decree in the Council of Ministers on 1 March 2012.

20. The National Action Plan 2012-2014 is aimed at mobilizing all stakeholders in the fight against racism and anti-Semitism and is framed around four main objectives:

(a) Increase knowledge of and collect information on incidents of a racist and anti-Semitic nature;

(b) Systematically repress racist and anti-Semitic acts and better protect vulnerable peoples;

(c) Lead a long-term, comprehensive prevention strategy to address discrimination based on origin within central and local administrations and in the private sector, in particular through education, training, culture and sport, and placing particular emphasis on the role of the Internet and other media, the specificities of citizens of French overseas departments and the reform of legislation applicable to travellers;

(d) Include the struggle against racism and anti-Semitism in the integration policy and the promotion of equal opportunities.

21. Among the specific actions to fight against racism and anti-Semitism listed in the Action Plan, the following measures can be highlighted: improve the knowledge of racist and anti-Semitic phenomena through a reform of the statistical systems of the Ministry of the Interior and the Ministry of Justice; revitalize the departmental committees for the promotion of equal opportunities and citizenship; strengthen the training of public officials; and strengthen the struggle against racial hatred on the Internet.

Greece

22. Greece referred to its relevant legislation relating to the rights of migrants, which ensures the exercise of their fundamental rights and respect of their specificities within a system based on social justice without any special distinction based on origin. For instance, according to the law, migrants who live legally in Greece are subject to the relevant social security system and enjoy the same rights as Greek nationals. They have access to the national health system and are subject to obligatory school attendance, as are Greek nationals. Minor migrants, who attend all levels of education, have unfettered access to school and educational community activities. Law 3838/24.03.2010 provides legally residing immigrants and foreign nationals of Greek origin with the right to vote and run at local elections. In particular, migrants legally residing in the country are eligible, after applying for inclusion in special electoral registers, to be elected as municipal counsellors, counsellors of municipal districts or local counsellors, provided they possess an adequate knowledge of the Greek language in order to perform their duties.

Guatemala

23. Guatemala referred to the activities of the Presidential Commission on Discrimination and Racism against Indigenous Peoples, established in 2002. Among the main areas of the work of the Commission are the formulation of public policies that aim to eradicate racial discrimination against indigenous peoples, campaigns to

educate the general public on the issue, and involvement in the presentation of the country's national report before international organizations, including the Committee for the Elimination of Racial Discrimination.

24. Another important institution is the Office of the Ombudsman for Indigenous Women, mandated to address situations of discrimination and vulnerability faced by indigenous women. Among its core activities are the design of public policies and programmes for the prevention and eradication of all forms of violence and discrimination against indigenous women and the provision of legal assistance to indigenous women who are victims of violence, discrimination, sexual harassment and other violations.

25. In 2010, the Presidential Commission organized several regional events for different social actors, including: the presentation and promotion of the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination; a national campaign for the promotion of coexistence in cultural diversity; capacity-building workshops and strategic analysis; forums and public dialogues with indigenous peoples' organizations; sensitization forums to raise awareness against racial discrimination; training workshops for justice operators; and workshops targeting teachers at the secondary level, as well as secondary-level students on such topics as racism and discrimination, national and international legislation, multiculturalism and interculturalism.

Jordan

26. Article 6 of the Constitution provides that Jordanians are equal before the law and have the same rights and duties regardless of race, language or religion.

27. The Directorate of General Security seeks to apply the above concepts by: adopting punitive and administrative policing measures to prevent the emergence of extremist groups that advocate violence based on racism and xenophobia; training and qualifying those employed in the public security apparatus to gather information about extremist groups and transmitting it to the competent judicial authorities; taking action to prevent the growth of ideas that are likely to incite hatred or discrimination and adopting stringent measures to counter any incitement to discrimination.

28. In order to combat all forms of racial discrimination, the Directorate of General Security has established a human rights office to deal with and examine complaints of human rights violations in general and take any legal steps necessary.

Lebanon

29. The Lebanese Constitution provides that Lebanon is a parliamentary democratic republic that respects general liberties, especially the freedom of opinion and belief, and social justice and equality of rights and duties among all citizens without discrimination. Article 7 states that all Lebanese are equal before the law. They enjoy civil and political rights equally and have equal obligations and duties without any distinction. Lebanon further noted that all civil and military authorities are bound by the policy of the Government, which is based on the best standards of respect for freedoms of all citizens and foreigners residing in Lebanon.

Malta

30. The National Commission for the Promotion of Equality compiled an action plan with the aim of combating discrimination and promoting equality. The action plan provides a road map towards the achievement of a society free from racism and xenophobia. It seeks to promote a shared understanding and enhanced ownership among relevant stakeholders to safeguard racial equality and combat racism and xenophobia.

31. The Commission carried out, among other activities, various projects co-funded by the European Union, with the aim of raising awareness on rights and responsibilities related to equal treatment and the six grounds of discrimination, including race or ethnic origin. To be noted in this regard is the project "Think equal", which was carried out to sensitize, train and empower stakeholders on issues of equality, non-discrimination and diversity through various initiatives, including a seminar for young people that sought to bring them together alongside persons who had experienced discrimination and experts from different racial, sexual and cultural backgrounds to discuss local cases of discrimination and the causes and consequences of those experiences.

32. The "I'm not racist, but ..." project is being implemented in 2012. The general objectives of the project are to develop a clear understanding of the situation of ethnic minorities through research, as well as to empower respective stakeholders to prevent or combat discrimination in this area; to empower the African minority to get their voice heard, advocate for their rights and report discrimination; and to raise awareness on racial discrimination and promote cultural diversity.

Mauritius

33. Mauritius referred to its Equal Opportunities Act, which was passed in 2008 and came into force in January 2012. The Act prohibits direct and indirect discrimination on the grounds of a person's age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race or sexual orientation. The areas of activities to which the Act applies are employment, education, provision of goods, services or facilities, accommodation, disposal of real estate property, companies, partnerships, registered associations, clubs, sports and access to premises that the public may enter or use.

34. It is to be noted that the Act was amended in 2011 to provide for the establishment of the Equal Opportunities Commission, an independent body whose functions include: (a) working towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status; (b) reviewing the Act and any related laws and submitting to the Attorney-General proposals for amending them, if required; (c) carrying out an investigation of its own volition or following a complaint; and (d) attempting to reconcile the parties to a complaint.

Mexico

35. The Government of Mexico has sought to encourage the necessary social changes by enacting laws and constitutional reforms, strengthening institutions and adopting public policies. The objective of the anti-discrimination legislative reforms is to establish protection mechanisms to combat old forms of discrimination while

preventing and neutralizing the negative effects of more recent problems and phenomena. To this end, Mexican legislation prohibits all forms or manifestations of discrimination, including racial discrimination and xenophobia.

36. On 24 April 2012, the Senate adopted an amendment to the Federal Act on the Prevention and Elimination of Discrimination, modifying the definition of discrimination to include racial segregation, racial discrimination and related forms of intolerance. The proposed amendment is currently being reviewed by the Chamber of Deputies.

37. The National Programme for the Prevention and Elimination of Discrimination, whose establishment was published in the Official Gazette on 16 April 2012, is intended to serve as the basis for public policies on preventing and eliminating discrimination. It focuses on four specific objectives: generating information and statistics, conducting research, disseminating information and providing training to establish and strengthen a culture of non-discrimination; progressively incorporating the principle and standards of protection of the right to non-discrimination within Government services and encouraging their adoption at the State level; promoting the collaborative participation of society in building a culture of equality and non-discrimination; and taking action to promote non-discrimination and measures that contribute to equality of opportunities.

38. In 2011, the National Council for the Prevention of Discrimination published a guide to combating discrimination and promoting the equality and inclusion of persons of African descent in Mexico. A campaign on the theme "For a Society Free of Racism" was launched late in 2011 to raise awareness of racism in Mexico, disseminate the results of the National Survey on Discrimination in Mexico conducted in 2010 and create a social message questioning and helping to reduce the problem of racism.

Norway

39. Norway implemented several measures to ensure that the diversity in the population is reflected in the legal system. The goals of those measures are to strengthen dialogue and interaction with relevant groups in the minority communities, increase the recruitment of employees with minority backgrounds and strengthen diversity training for public servants and managers in the legal sector.

40. The country's first action plan for the prevention of radicalization and violent extremism was presented in 2010 and comprises four priority areas: knowledge and information; strengthening the authorities' cooperation; strengthened dialogue; and greater involvement of and support to vulnerable and at-risk persons. Specific activities include the exit and deradicalization programme, which is aimed at getting members of extremist right-wing groups to exit those groups.

41. In the areas of education, working life, public services and housing, Norway undertakes awareness and educational campaigns as a tool to prevent and combat discrimination and intolerance.

Oman

42. Oman has enacted laws against any act of racial discrimination. As an example, any call for racial discrimination in the context of promoting religious or sectarian conflicts is considered an offence under the Omani Penal Code.

43. School curricula in Oman are designed to give effect to the principle of equality throughout the educational process. Courses stress combating racial discrimination, highlight human rights and promote concepts of tolerance, cooperation and constructive dialogue among individuals and groups. They inculcate in students the principles of equality and social justice by designing the syllabus and selecting the concepts and teaching methods that achieve these ends.

44. The National Human Rights Commission of Oman is an independent institution concerned with human rights and aiming to foster fruitful and constructive cooperation between Government authorities and civil society institutions in Oman.

Poland

45. With a view to establishing a broad platform for coordinating central Government activities focused on fighting racism, xenophobia and related discrimination and intolerance, the Council for Combating Racial Discrimination, Xenophobia and Related Intolerance was set up in February 2011. The Council is an advisory body to the Council of Ministers. Its work consists of planning, coordinating and assessing central Government actions to eradicate racism, xenophobia and intolerance. The Council started work on drafting a Government action plan to combat racial discrimination, xenophobia and related intolerance, to be presented biennially to the Council of Ministers.

46. The Act of 3 December 2010 Implementing Certain European Union Provisions on Equal Treatment entered into force on 1 January 2011. The new law identifies ways to prevent violations of the principle of equal treatment on account of sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age, or sexual orientation. The Act regulates the legal situation and fully transposes the provisions of European Union anti-discrimination directives.

Samoa

47. Samoa, while not reporting specifically on the issue of racism, racial discrimination, xenophobia and related intolerance, took the opportunity to reiterate its commitment to the principles enshrined in the Charter of the United Nations and to its legal framework for the protection of fundamental rights, as stipulated in its Constitution.

Slovakia

48. In Slovakia, the action plan to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance is the basic systematic tool of the Government in the area of prevention and elimination of these negative phenomena in society. The main coordinator of the creation and implementation of the action plan is the Human Rights and Equal Treatment Section.

49. At the level of the Ministry of the Interior, this issue is covered by the Department of Spectator Violence and Extremism in the Office of Criminal Police.

Spain

50. The policies and measures of the Government of Spain to combat racism, racial discrimination, xenophobia and related intolerance are set forth in the

Strategic Plan for Citizenship and Integration, in which equal treatment and the fight against discrimination are cross-cutting themes.

51. The Government's commitment to the Durban principles is further supported by its Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Comprehensive Strategy was developed by the Spanish Monitoring Centre on Racism and Xenophobia in conjunction with civil society and Government and non-governmental experts. The 41 objectives and 129 measures provided for in the Strategy relate to such areas as information systems, criminal proceedings, institutional cooperation and coordination with civil society, prevention and victim support, education, employment, health care, housing, the media, the Internet, sport and awareness-raising.

52. In the area of sport, the Comprehensive Strategy accords particular importance to sport as a medium for promoting ethical social values, such as mutual respect, tolerance and fair play, while recognizing that it can also be a medium for disseminating racist and xenophobic propaganda.

53. With regard to education, under the Comprehensive Strategy, priorities include guaranteeing equal access to education for all and contributing to a form of citizenship education that will help to prevent incidents of racism, racial discrimination, xenophobia and related intolerance.

Sudan

54. The Sudan is recognized in its Constitution as a multicultural, multilingual, multiracial, multi-ethnic and multireligious country.

55. These diversities coexist, and the State is committed to the respect and promotion of human dignity, justice and equality and assures human rights and fundamental freedoms for all its citizens. In this regard, all persons are equal before the law and are entitled to equal protection under the law without discrimination as to race, colour, sex, language, religious creed or ethnic origin.

56. The criminal law also incriminates racism or any other similar crimes, such as slavery, servitude, abduction or compulsory labour.

B. United Nations entities

Department of Public Information

57. The Department of Public Information, working in close collaboration with OHCHR, undertook a range of activities to promote the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (September 2011), the International Day for the Elimination of Racial Discrimination (March 2012) and the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (March 2012).

58. The Department created a dedicated website in six languages for the High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (22 September 2011), featuring a range of public information materials on the event and related issues. A special information kit was handed out to delegations attending the meeting.

59. The Department provided extensive coverage of the High-level Meeting, including live webcasting of the event, television and radio news reports, web-based news articles, photographs and meeting summaries. The news reports were produced in all six official languages, as well as in Portuguese and Swahili.

60. The Department, in cooperation with OHCHR, is also producing a publication, in six official languages, that includes the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference and the political declaration adopted at the High-level Meeting. The publication will be disseminated as a reference for United Nations system partners, students, non-governmental organizations (NGOs) and human rights practitioners.

61. The Department's communications strategy for the tenth anniversary focused on two objectives: to raise awareness of the need to combat racism and mitigate misperceptions about the Declaration. Beyond global outreach, special attention was given to activities targeting the New York-based Jewish community and the African-American community across the United States.

62. "Let's fight racism", a global campaign in six languages aimed at highlighting stereotypes, challenging perceptions, encouraging discussion and changing behaviour, was launched by the Department and OHCHR to coincide with the High-level Meeting. The campaign used images of people of different ethnicities — on postcards, videos, a website and social media — with the slogan, "More than meets the eye".

63. The Department and OHCHR used the "Let's fight racism" campaign to conduct a multilingual social media campaign in the lead-up to the International Day for the Elimination of Racial Discrimination. The week-long campaign, "Seven days and seven ways to fight racism", used Twitter, Facebook and newer social media tools, such as Storify, Pinterest and Google Plus, to reach a record number of people, including over 3 million on Twitter alone.

64. The Department engaged its global network of United Nations information centres to deploy the "Let's Fight Racism" materials as part of local public information campaigns. The United Nations Information Centre in Panama obtained pro bono advertising space to display campaign posters at public bus stops for six months. In Zambia, a community outreach programme used theatre, music and dance to target mainly children and young adults.

65. As part of efforts to raise awareness about women and the Holocaust, the Department conducted a series of educational events and produced a study guide for students and teachers outlining racial discrimination and intolerance towards Jewish women and other minorities.

66. Through the United Nations Academic Impact initiative, the Department held two events in the "Unlearning intolerance" seminar series. In May a group of Indian writers discussed the dangers of intolerance in society, and in October a programme examined the non-violent struggle against apartheid in South Africa.

Office of the United Nations High Commissioner for Refugees

67. UNHCR, along with other bodies, contributes to the work of the Convention on the Elimination of All Forms of Racial Discrimination and cooperates with the Special Rapporteur on contemporary forms of racism, racial discrimination,

xenophobia and related intolerance. In addition, UNHCR field offices regularly provide input to the annual report of the Office for Democratic Institutions and Human Rights on hate crimes. Through its input, UNHCR aims to help in collecting data on racist and xenophobic crimes, contribute to the development of policies and programmes that address racially motivated incidents and support efforts to monitor the effectiveness of such policies and programmes.

68. In April and May 2012, UNHCR conducted a public opinion survey to measure attitudes and awareness concerning refugees. The online survey compared representative samples of 1,000 adults in 11 pilot countries, namely Australia, Germany, Greece, Italy, Latvia, the Netherlands, the Russian Federation, South Africa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. These findings will help UNHCR in tailoring communication strategies and advocacy messages that focus on safeguarding the rights of refugees and asylum seekers.

C. Regional organizations

European Union and African Union

69. The European Union and the African Union sent a joint contribution based on a joint workshop that they organized on 5 June 2012.

70. The African Union and the European Union are engaged in a strategic partnership covering several pillars, in particular a strategic pillar on governance, democracy and human rights. In this context, both the African Union and the European Union, including their respective member States, affirmed the high importance that they attach to the fight against racism, racial discrimination, xenophobia and related intolerance. In September 2010, both parties agreed in Addis Ababa that racism, racial discrimination, xenophobia and related intolerance would constitute a general theme to be discussed in Geneva.

71. On 5 June 2012, the delegations of the European Union and the African Union in Geneva held a joint workshop with a view to organizing an exchange of best practices at the local, national and regional levels on combating racial discrimination in effect and addressing incitement to racial hatred.

72. The seminar allowed a better understanding of the mechanisms established in both the African and European continents. Participants learned how the African Charter, which promotes and protects the principle of equality and non-discrimination, is implemented through the various mechanisms in place, including the African Commission, the African Court and the Human Rights Strategy for Africa. At the European and regional levels, experts presented some of the legal instruments that remain to be implemented and the related challenges.

73. Some participants raised the issue of increasing manifestation of racism and racial discrimination in all continents, which is exacerbated in part by the global economic crisis and certain political crises and other social movements occurring in some regions of the globe. All participants agreed in conclusion that, while legislation and mechanisms established in both continents at the local, national and regional levels are very important, the absence of effective implementation and the lack of political will remain major obstacles.

74. Participants expressed their willingness to intensify cooperation between the African Union and the European Union in general and on the issue of racism, racial discrimination, xenophobia and related intolerance in particular, including through the organization of other seminars in order to promote the exchange of views, information and good practices in the fight against racism.

Office for Democratic Institutions and Human Rights

75. OSCE-participating States have acknowledged that hate crimes, racism and xenophobia, as well as anti-Semitism and intolerance against Muslims, Christians and members of other religions or beliefs, constitute a threat to stability and security throughout the OSCE region. They have adopted a comprehensive range of commitments to prevent and respond to hate-motivated violence and promote mutual respect and understanding.

76. In line with its mandate, the Office assists participating States and civil society in combating hate crimes and promoting mutual respect and understanding. The Office designed a broad range of programmes to build the capacity of law enforcement, Government officials and civil society to combat hate crimes and raise awareness through educational programmes. The activities of the Office also focus on monitoring, collecting and disseminating information on hate crimes and good practices designed to address them.

77. The Office is currently developing a practical guide for policymakers on how to collect hate crime data. It also reviews legislation related to discrimination and hate crimes upon the request of participating States.

78. In 2011, the Office published the *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims*. The publication was developed in partnership with the United Nations Educational, Scientific and Cultural Organization and the Council of Europe with the aim of advising educators on how to confront intolerance and discrimination in schools. The Office also organizes training for NGOs.

79. In follow up to the high-level conference on hate crimes targeting Christians organized in 2011, the Office is preparing a seminar on the role of civil society in combating hate crimes against Christians.

D. National human rights institutions and equality bodies

Dutch Equal Treatment Commission

80. The Dutch Equal Treatment Commission has a mandate to examine individual complaints in accordance with existing legislation on equal treatment. Furthermore, the Commission may provide solicited and unsolicited advice to the Government and private parties. It may also conduct investigations. An example of such an investigation is a survey concerning discrimination on the grounds of origin/ethnicity at the Hague University.

81. In 2010 the Government of the Netherlands introduced a bill in Parliament proposing the establishment of a national institute with a comprehensive human rights mandate. The bill was approved by the Senate on 22 November 2011, enabling the Act to become effective and paving the way for the Netherlands

Institute of Human Rights, which is to become operational late in 2012. The Commission has undertaken preparations for the establishment of the Institute and will merge with this Institute.

82. The Netherlands Institute of Human Rights will be established to protect and promote human rights in the Netherlands by monitoring, giving advice, conducting and stimulating research and providing public information. The mandate will expand significantly from equal treatment issues to include all human rights. The Institute will continue to conduct and stimulate research and give advice on law and policy.

Equality and Human Rights Commission

83. The Equality and Human Rights Commission, a statutory body set up under the Equality Act 2006, is mandated to promote understanding of the importance of human rights and equality and to protect, enforce and promote equality across the nine "protected" grounds, namely age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

84. In 2010 the Commission published *Understanding the Rise of the Far Right*, which examines the factors that underpin the rise of far-right political parties in England (in particular the British National Party); why those parties are successful in some places but not in others; and the implications of the British National Party's tactics and electoral success for community cohesion.

85. The Commission also submitted a report to the Committee on the Eradication of Racial Discrimination on the eighteenth to twentieth periodic reports of the United Kingdom, which drew the Committee's attention to the key issues that, in the Commission's view, affect race equality; highlighted gaps in the State report; and made recommendations to the Committee with regard to actions to be taken by the Government.

III. Update on activities

A. Office of the United Nations High Commissioner for Human Rights

86. OHCHR leads the work of the United Nations to prevent and combat discrimination and promote equality and universal respect for human rights and fundamental freedoms for all. The Office advocated for and supported reforms, including through technical advice and assistance to States in implementing their international obligations and recommendations by human rights bodies and mechanisms in the field of equality and non-discrimination. OHCHR collaborated with Member States, in particular, on the adoption of legislation, public policies, programmes and national action plans and on other activities. OHCHR also supported the efforts of national human rights institutions, specialized equality bodies, civil society and individuals, as well as groups facing discrimination.

87. Anti-discrimination is a strategic priority at OHCHR — at its headquarters in Geneva, its New York office and the field presences. OHCHR developed substantive expertise and experience in this field in particular, preparing thematic studies and

developing capacity-strengthening and methodological tools. In addition, OHCHR provides human rights mechanisms with substantive and secretariat support.

88. OHCHR continued to service the work of the Committee on the Eradication of Racial Discrimination and follow-up mechanisms of the Durban Declaration and Programme of Action. Pursuant to requests by the Human Rights Council and the General Assembly, OHCHR organized several high-level panels, including on good practices against racism, a global dialogue for the promotion of a culture of tolerance and peace, and the promotion and protection of human rights through tolerance and reconciliation, in recognition of Nelson Mandela International Day. These activities served to foster global dialogue and the sharing of good practices and allowed for an exchange of views and perspectives on contemporary issues of racial discrimination, xenophobia and related intolerance. OHCHR organized the official United Nations event for the International Day for the Elimination of Racial Discrimination, which took place at the United Nations Office at Geneva on 21 March 2012, with the High Commissioner for Human Rights and the Reverend Jesse Jackson of Rainbow Push Coalition. The theme for the event was "Racism and conflict", highlighting the fact that racism and discrimination are often at the root of deadly conflict. The theme was chosen to capture the often ignored yet mutually reinforcing relationship between racism and conflict.

89. OHCHR has continued to empower groups and individuals facing discrimination by facilitating their participation in relevant activities, carrying out projects to strengthen their capacity to claim their rights and supporting grassroots organizations.

90. OHCHR also provides human rights expertise and advice, supports civil society organizations in their advocacy efforts, assists the United Nations country teams in providing comments on drafts and engages with a number of international human rights mechanisms to advocate for the adoption of laws that are in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and protect and promote the human rights of those who are marginalized. Advice on and support to Member States in the formulation of national policies and programmes, including national action plans to eradicate racism and discrimination and promote equality, was a main pillar of OHCHR anti-discrimination work during the reporting period.

91. For the past two years, OHCHR has been assisting Member States with activities aimed at developing national action plans, with the input and participation of OHCHR country and regional offices. Support was provided to the action plans of the following countries in 2011: Benin, Bolivia (Plurinational State of), Botswana, Burkina Faso, Costa Rica, Mauritania, Nigeria and Uruguay. In September 2011, OHCHR organized a seminar on national action plans in Saint Petersburg, Russian Federation, for 10 countries of the Commonwealth of Independent States.

92. The twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities in 2012 provides an opportunity to create momentum for strengthened implementation of the Declaration and stronger engagement on minority rights in general. Against this background, OHCHR is organizing a series of events marking the anniversary. Thus far, OHCHR organized during the nineteenth session of the Human Rights Council a panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration with a particular focus on its implementation and on achievements, best

practices and challenges in this regard. In collaboration with the Government of Austria, OHCHR also organized an expert seminar on the theme "Enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities". Held in Vienna on 22 and 23 May 2012, the expert seminar offered an opportunity to examine in depth how the work of international and regional mechanisms could serve to improve, at the national level, the implementation of key recommendations from international and regional mechanisms.

93. OHCHR work on countering discrimination is strengthened by the decision in March 2012 of the Secretary-General's Policy Committee to bolster system-wide work in this area by creating a United Nations network on racial discrimination and protection of minorities. Coordinated by OHCHR, the Network will facilitate collaboration among United Nations entities, provide guidance and help to share and implement effective practices to combat racial discrimination and protect minority rights.

Forum on Minority Issues

94. The Forum on Minority Issues, established under resolution 6/15 of the Human Rights Council, provides a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, and thematic contributions and expertise to the work of the Independent Expert on minority issues, who is required to guide its work and prepare its annual session. As a practical measure to promote awareness and implementation of the recommendations of the Forum in every region, under the auspices of the mandate of the Independent Expert a compilation of the recommendations of the first four annual sessions (on the themes of minorities and the right to education, political participation, economic participation and the rights of minority women and girls) has been produced. The publication will be widely disseminated and made available online and in CD-ROM format.

95. The fourth annual session of the Forum was held on 29 and 30 November 2011. At that session, the Forum considered the issue of guaranteeing the rights of minority women and girls, including their access to education and their participation in economic and political life.

B. Durban follow-up mechanisms

Ad Hoc Committee on the Elaboration of Complementary Standards

96. At the fourth session of the Ad Hoc Committee on the Elaboration of Complementary Standards, which was held from 10 to 20 April 2012 (see A/HRC/21/59), substantive discussions took place on xenophobia and on the establishment, designation or maintenance of national mechanisms mandated to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as on procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination. The Ad Hoc Committee requested OHCHR to issue a questionnaire with a view to generating information on those topics, including legal and judicial frameworks and practices, substantive and procedural measures and

possible recommendations. The responses to the questionnaire will be posted on the OHCHR website, and a summary will be prepared for further discussion.

Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action

97. The Intergovernmental Working Group held its ninth session from 17 to 28 October 2011. At that session, the participants reviewed the progress on the implementation of recommendations adopted by the Working Group at its eighth session and shared experiences and best practices on implementing the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. Furthermore, thematic discussions on the role of sport and education in combating racism, racial discrimination, xenophobia and related intolerance were held. Expert presentations on those topics were followed by interactive discussions. The Working Group adopted conclusions and recommendations on the above-mentioned themes (see A/HRC/19/77).

Working Group of Experts on People of African Descent

98. The eleventh session of the Working Group, which was held in May 2012, was devoted mainly to developing the Programme of Action for the Decade. The Working Group adopted a draft Programme of Action, which was based on contributions from Member States, international and regional bodies and civil society, and took into account the Durban Declaration and Programme of Action and the general recommendations of the Committee on the Elimination of Racial Discrimination, in particular recommendation 34 on racial discrimination against people of African descent.

99. In line with the theme of the International Year for People of African Descent, the Working Group proposed the same theme for the Decade, "Recognition, justice and development". The draft Programme of Action addresses priority areas for the Decade, including the right to equality and non-discrimination; education and awareness that recognizes the history, cultures and contributions of people of African descent; data collection to give more visibility to their situation and experiences; participation and inclusion, including in decision-making processes; equal protection under the law and countering discrimination in the administration of justice; the right to development; access to quality education, employment, health and housing; adoption of special measures to overcome persistent or structural disparities; and the multiple forms of discrimination faced by different groups of people of African descent, in particular women, children and migrants.

C. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

100. Mr. Mutuma Ruteere was appointed Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance by the Human Rights Council at its eighteenth session. He took up his function in November 2011, which coincided with the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and the International Year for People of African Descent. In this context he participated in

the high-level thematic debate leading to the closure of the Year, held in December 2011 in New York. He also participated in the eleventh session of the Working Group of Experts on People of African Descent, which was held in May 2012 in Geneva and devoted to developing the draft Programme of Action for the United Nations Decade for People of African Descent.

101. On the occasion of the International Day for the Elimination of Racial Discrimination, on 21 March 2012, the Special Rapporteur issued a joint press release stressing that racism is still fuelling violence and conflict. The mandate holder also initiated cooperation with the African Commission on Human and Peoples' Rights. In this regard he attended the first meeting of the special procedures of the Human Rights Council and the special mechanisms of the African Commission on Human and Peoples' Rights organized by OHCHR, in cooperation with the African Commission on Human and Peoples' Rights, in Addis Ababa on 18 and 19 January 2012.

102. The Special Rapporteur presented to the Human Rights Council at its twentieth session his first annual report focused on the prevention of racism, racial discrimination, xenophobia and related intolerance and the report on the implementation of General Assembly resolution 66/143 on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

103. The Special Rapporteur intends to continue engaging on the issue of the prohibition of incitement to national, racial or religious hatred, including by participating in a final expert meeting of the OHCHR series of expert workshops on the prohibition of incitement to national, racial or religious hatred, scheduled to take place in Morocco in October 2012. The Special Rapporteur will also participate in the thematic discussion of the Committee on the Elimination of Racial Discrimination on racist hate speech, to be held on 28 August 2012.

D. Independent Expert on minority issues

104. The newly appointed Independent Expert on minority issues, Rita Izsák, submitted her first report for consideration by the Human Rights Council at its nineteenth session (A/HRC/19/56). The report highlighted that 2012 marks the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and noted that a range of activities would be undertaken by OHCHR and the Independent Expert in that context. The Independent Expert encouraged Member States and other stakeholders in all regions to consider holding their own events and activities to mark the anniversary and to raise awareness of the Declaration and the rights of persons belonging to minorities. The Independent Expert will participate in a series of subregional conferences organized by OHCHR and hosted by some of its regional offices to help in raising awareness of the Declaration and promoting its implementation. She participated in an event held in Vienna in May 2012 entitled "Enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities".

105. The Independent Expert's report to the Council featured a review of activities that she had undertaken and highlights the issues that she will prioritize in her first term. Among the priority issues to be addressed are the rights of linguistic

minorities and the rights and security of religious minorities. The Independent Expert's priorities also include promoting recognition of minorities and acknowledging that in all regions there are ethnic, religious or linguistic groups that are not recognized and some members of which who are rendered stateless, with negative implications for all their rights, including minority rights.

106. Emphasizing the role of minority rights protection in conflict prevention, the Independent Expert will pay particular attention to early signs of potential conflicts among different communities, such as indicators of increasing alienation or hatred against certain groups.

IV. Conclusions and recommendations

107. Some progress has been made in combating racism, racial discrimination, xenophobia and related intolerance. Still, these phenomena have not been eradicated, and no country can claim to be free of their destructive effect.

108. **Ever-stronger political will and urgent measures are needed to reverse the continuing worrisome trends over the past years of increasingly hostile racist and xenophobic attitudes and violence. Intercultural dialogue, tolerance and respect for diversity are essential for combating racial discrimination and related intolerance.**

109. **So that progress in the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference can be reviewed, all stakeholders are invited to regularly submit updated inputs, in accordance with requests for information.**

110. **Member States are encouraged to invite the Working Group of Experts on People of African Descent to carry out country visits.**

111. **Member States and other stakeholders are invited to participate actively in the deliberations on the Durban follow-up mechanisms and to implement the recommendations emanating therefrom.**

112. **Member States that have not yet done so are encouraged to develop and implement national action plans in order to combat racial discrimination and related intolerance.**

113. **International and regional organizations are encouraged to intensify collaboration in fighting against racism, racial discrimination, xenophobia and related intolerance.**

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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, pursuant to Assembly resolution 66/144.

* A/67/150.

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Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action

Summary

The Durban Declaration and Programme of Action pay particular attention to concerns related to the use of such new information technologies as the Internet for propagating racism, racial hatred, xenophobia, racial discrimination and related intolerance, and provide a comprehensive framework for possible actions to combat this phenomenon. In the present report, the Special Rapporteur focuses on key issues and challenges posed by the increasing use of the Internet to disseminate racist ideas and incite racial hatred and violence and on identifying possible measures that can be taken in line with the provisions of the Durban Declaration and Programme of Action. Following a brief introduction (section I) and the overview of his activities carried out since his appointment by the Human Rights Council (section II), the Special Rapporteur refers in section III to the main issues of concern and challenges related to the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance. Section IV provides an overview of legal and policy frameworks and measures taken at the national, regional and international levels, and section V highlights possible measures for combating the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance. In section VI, the Special Rapporteur highlights the potential role and positive contribution of the Internet as an effective tool for combating racism, racial discrimination, xenophobia and related intolerance. The conclusions and recommendations put forward by the Special Rapporteur are outlined in section VII.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/144 of 19 December 2011 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1). The Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights.

2. The current report builds upon the previous reports of the Special Rapporteur, in which he touched upon the issues related to the use of new information technologies, including the Internet, for disseminating racist ideas, hate messages and inciting racial hatred and violence. It also builds upon the reports of the previous mandate holders, taking into account recent developments and information gathered through consultations with relevant stakeholders and research conducted by the Special Rapporteur.

3. The report should be considered as a preliminary examination of the issue of racism and the Internet, and the Special Rapporteur intends to explore this topic further in a follow-up report. The next study on the topic will involve consultations with States, regional and international organizations and non-State actors, and will seek to identify possible good practices in combating the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in promoting the use of such technologies to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance.

4. In the present report, the Special Rapporteur illustrates the key trends and challenges posed by the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance (section III); provides an overview of legal and policy frameworks and measures taken at national, regional and international levels (section IV); presents possible measures for combating the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance (section V); and highlights the potential role and positive contribution of the Internet as an effective tool for combating racism, racial discrimination, xenophobia and related intolerance (section VI). The conclusions and recommendations of the Special Rapporteur are outlined in section VII.

5. In section II, the Special Rapporteur refers to the activities he has undertaken since his appointment by the Human Rights Council as the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

II. Activities of the Special Rapporteur

A. Country visits

6. The Special Rapporteur would like to thank the Government of the Plurinational State of Bolivia, the Government of the Sudan and the Government of

Mauritania, which have accepted his requests for visits. He will visit the Plurinational State of Bolivia from 4 to 10 September 2012.

7. Following his appointment, the Special Rapporteur also renewed the request to visit South Africa. He also requested visits to Algeria, Botswana, Morocco, Poland, Spain and Tunisia.

8. The Special Rapporteur would like to acknowledge the invitation extended by the Government of Honduras. While he has not yet been able to honour that invitation, the Special Rapporteur hopes that he will be able to do so in the course of his mandate.

B. Other activities

9. The Special Rapporteur participated in the high-level thematic debate on the achievement of the goals and objectives of the International Year for People of African Descent, held in New York on 6 December 2011, at the closure of the Year. He also attended the first meeting of the Special Procedures of the Human Rights Council and the Special Mechanisms of the African Commission on Human and Peoples' Rights, organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with the African Commission on Human and Peoples' Rights, in Addis Ababa, Ethiopia, from 18 to 19 January 2012. The meeting aimed at exploring ways to improve cooperation and coordination in promoting and protecting human rights in Africa.

10. On 21 March 2012, on the occasion of the International Day for the Elimination of Racial Discrimination, the Special Rapporteur issued a joint press release with the Independent Expert on minority issues, which stressed that racism is still fuelling violence and conflict.

11. On 8 April 2012, on the occasion of International Roma Day, together with a group of United Nations human rights experts, the Special Rapporteur issued a joint press statement which called for implementation of effective policies and programmes to protect and promote Roma rights in all countries with Roma populations, and encouraged Governments to build stronger and positive relations with Roma communities and non-governmental organizations, and to consult fully with them when shaping sustainable solutions to the problems faced by Roma communities.

12. On 2 August 2012, on the occasion of the Roma Holocaust Remembrance Day, a joint press release was issued by the Special Rapporteur and the Independent Expert on minority issues calling for increased awareness and action to tackle the issues of hostility and discrimination against Roma and address the persistent prejudices that fuel racism and intolerance against them.

13. On 28 August 2012, the Special Rapporteur will participate in a thematic discussion on racist hate speech organized by the Committee on the Elimination of Racial Discrimination during its eighty-first session, held in Geneva, Switzerland, from 6 to 31 August 2012.

III. Use of the Internet for propagating racism, racial discrimination, xenophobia and related intolerance

A. Key trends

14. According to an estimate by the International Telecommunication Union (ITU), in 2011 the number of Internet users in the world reached 2.4 billion.[1] The Internet has indeed become a global and public online space for exchanging information and ideas. In existence since the 1960s, this new form of communication has evolved into an unprecedented communication tool with rapid and global outreach.

15. Unlike traditional forms of communication and information technologies, the Internet has a tremendous capacity to transmit and disseminate information instantly to different parts of the world; it enables users to access and provide content with relative anonymity; materials and content available on the Internet can be shared across national borders and can be hosted in different countries with different legal regimes. The Internet offers countless benefits for almost all aspects of modern life. Regrettably, owing to its unique characteristics, the Internet can and is also being used to propagate racist and xenophobic content and incite racial hatred and violence.

16. In paragraph 14 of General Assembly resolution 66/144 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, the Assembly, on the basis of the conclusions and recommendations of the previous Special Rapporteur (see A/66/312 and A/66/313), called upon all States, in accordance with the commitments undertaken in paragraph 147 of the Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audiovisual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right. Furthermore, in the Durban Declaration, States expressed their deep concern about the use of new information technologies, such as the Internet, for purposes contrary to respect for human values, equality, non-discrimination, respect for others and tolerance, including to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and that, in particular, children and youth having access to this material could be negatively influenced by it.[2]

17. The increasing use of electronic telecommunication technologies, such as electronic mail and the Internet by right-wing extremist groups and racist organizations in their transborder communications and exchange of racist materials was first observed in the mid-1990s (see E/CN.4/1995/78 and A/51/301). The then Special Rapporteur on contemporary forms of racism, racial discrimination,

[1] International Telecommunication Union, Internet users, Key global telecom indicators for the world telecommunication service sector, updated 16 November 2011. Available from http://www.itu.int/ITU-D/ict/statistics/at_glance/KeyTelecom.html.

[2] A/CONF.189/12 and Corr.1, chap. I, para. 91.

xenophobia and related intolerance, in his 1997 report, stated that the Internet had become the new battleground in the fight to influence public opinion. While it was still far behind newspapers, magazines, radio and television in the size of its audience, the Internet had already captured the imagination of people with a message, including purveyors of hate, racists and anti-Semites (E/CN.4/1997/71).

18. As Internet technology has developed, extremist hate sites have grown in both number and technological sophistication. In 2008, it was estimated that since 1995, when the first extremist hate website was identified, the number of such websites and other Internet postings had grown to 8,000; of those, the largest proportion was constituted by online content related to racism and racial hatred.[3] As stated in the reports of his predecessor (A/66/312, para. 101, and A/66/313 and Corr.1), the Special Rapporteur is alarmed by the use of the Internet and social media by extremist groups and individuals to disseminate racist ideas and propagate racism, racial discrimination, xenophobia and related intolerance. Many States raised concerns regarding the increased use of the Internet to proliferate, promote and disseminate racist ideas by extremist political parties, movements and groups (see A/66/312). Concerns were also raised by non-governmental organizations and relevant United Nations organizations about the use of media, including the Internet, to proliferate and promote racist content; the increased number of incidents of racist violence and crimes against, in particular, ethnic and religious minorities and migrants; and the existing lack of adequate data on such violence and crimes (ibid.).

19. Furthermore, extremist groups and movements, particularly far right movements, use the Internet not only as a means to disseminate hate speech and incite racial violence and abuse against specific groups of individuals, but also as a recruitment platform for potential new members. The Internet is exploited in expanding their networks of individuals, movements and groups, as it allows the dissemination of information about their aims and facilitates the sending of invitations to various events and meetings. It is used also by extremist movements and groups to disseminate newsletters, video clips and other materials. It is also of great concern that open calls for violence against individual anti-racism activists are placed on neo-Nazi websites to intimidate, exert pressure or stop social or political actions or activities directed against extremist groups. Cases were reported in which personal details of active opponents of hate or extremist groups were included in such calls for violence and as a consequence they were attacked physically.[4]

20. The Special Rapporteur would like to underline the importance of further examining the correlation between various manifestations of racism on the Internet and the actual hate crimes committed. Given the lack of adequate data on this link, it is important that the relevant authorities enhance their efforts to identify, investigate and register hate crimes. Those efforts are critical, especially in combating the negative psychological influence of such racist online materials on youth.

[3] See Simon Wiesenthal Centre, "iReport, online terror + hate: the first decade (2008)". Available from http://www.wiesenthal.com.

[4] See A/HRC/20/38, para. 11; and Office for Democratic Institutions and Human Rights (ODIHR), "Report of OSCE-ODIHR activities on hate on the internet", ODIHR.GAL/77/10 (Warsaw, 27 October 2010).

B. Main challenges

21. There are a number of legal, regulatory, technical and other practical challenges to the fight against racism and incitement to racial hatred and violence on the Internet (E/CN.4/2006/18, para. 29). Enforcement of laws and regulations related to any inappropriate or illegal Internet content, including racist content, is challenging owing to the complexity occasioned by the lack of clarity of legal terms. In addition, due to their transborder nature, cases related to racism, incitement to racial hatred and violence through the Internet most often fall under different jurisdictions depending on where the inappropriate or illegal content was hosted and created, and where hate crimes prompted by such racist or xenophobic content took place. Furthermore, the effectiveness of national legislation becomes limited since States adopt differing laws, policies or approaches with regard to hate or racist content on the Internet and apply differing criteria for defining the threshold between freedom of expression and criminal acts or behaviour in such cases. In addition, there is a significant lack of necessary expertise and capacity to regulate or deal with Internet-related hate crime cases.

22. Technical measures developed for the fight against racism and incitement to racial hatred and violence on the Internet also have to contend with such pitfalls as unintended consequences and the potential for being misused, often with serious human rights implications, including limitation of freedom of expression and opinion. However, owing to the sheer amount of data that flows through and is placed on the Internet, it would be impossible to monitor online content.

23. Notwithstanding the adverse effects of the Internet, such as its increasing use by some individuals or groups to disseminate racist ideas and hate messages and incite racial hatred and violence, the Special Rapporteur would like to reiterate the fact that the Internet can also be a useful tool for preventing and combating racist and xenophobic ideologies and attitudes. In his previous reports, the Special Rapporteur underlined that in the context of the fight against racism, racial discrimination, xenophobia and related intolerance the Internet should not be seen solely as a new arena for spreading racist ideas and views, but also as a potential preventive tool for fighting against racism, racial discrimination, xenophobia and related intolerance (A/HRC/20/33, para. 63). He also addressed the use of the Internet and social media by extremist political parties, movements and groups, and the adverse effects of such phenomena on youth (see A/HRC/20/38).

C. Freedom of opinion and expression in the context of the fight against racism and incitement to racial hatred and violence on the Internet

24. The Durban Declaration and Programme of Action recognize the positive contribution that the exercise of the right to freedom of expression, particularly by media and new technologies, including the Internet, and full respect for the freedom to seek, receive and impart information can make to the fight against racism, racial discrimination, xenophobia and related intolerance. The Durban Declaration and Programme of Action reiterate the need to respect the editorial independence and autonomy of the media in this regard.[5]

[5] Durban Declaration (A/CONF.189/12 and Corr.1, chap. I), para. 90.

25. In that respect, the Special Rapporteur would like to underscore the importance of ensuring the enjoyment of the right to freedom of expression and opinion in the context of the fight against racism and incitement to racial hatred and violence. With regard to the relationship between freedom of expression and its limits when combating the dissemination of hate speech and racist materials on the Internet, the former Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression noted in his 1998 report that great care must be taken to achieve an appropriate balance between the rights to freedom of opinion and expression and to receive and impart information and the prohibition on speech and/or activities promoting racist views and inciting violence (E/CN.4/1998/40, para. 37).

26. As set out in article 19, paragraph 3, of the International Covenant on Civil and Political Rights, the right to freedom of opinion and expression may be restricted legitimately under international human rights law, essentially to safeguard the rights of others. As stated by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, any limitation to the right to freedom of expression (a) must be provided by law, which is clear and accessible to everyone (principles of predictability and transparency); (b) must protect, inter alia, the rights or reputations of others; and (c) must be proven as necessary and the least restrictive means required to achieve the purported aim (principles of necessity and proportionality) (A/HRC/17/27, para. 24). Furthermore, legitimate types of information which may be restricted include child pornography (to protect the rights of children), hate speech (to protect the rights of affected communities), defamation (to protect the rights and reputation of others against unwarranted attacks), direct and public incitement to commit genocide (to protect the rights of others), and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (to protect the rights of others, such as the right to life) (ibid, para. 25).

27. The Committee on the Elimination of Racial Discrimination, in its general recommendation XV (see A/48/18, chap VIII.B), has underlined the obligations of States with regard to the dissemination of racist ideas and incitement to racial discrimination and hatred under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which provides, inter alia, that States parties shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination and shall declare illegal and prohibit organized and all other propaganda activities, which promote and incite racial discrimination. In the opinion of the Committee, the obligation to restrict and prohibit such forms of speech is compatible with the obligation to protect and respect freedom of expression and opinion.[6]

28. The Special Rapporteur would like to underline that any measures taken by States to counter racism and incitement to racial hatred and violence on the Internet should not unduly limit the right to freedom of expression. He considers that any restrictions, control and censorship of the content disseminated via the Internet should be done on a clearly defined legal basis and in a manner that is necessary, proportionate and compatible with States' obligations under international human rights law. He would like to reiterate the view of his predecessor that determining which acts or expressions may meet the thresholds determined in articles 19 to 22 of

[6] See, for example, CERD/C/65/CO/2, para. 8.

the International Covenant on Civil and Political Rights and in article 4 of the International Convention on the Elimination of All Forms of Discrimination, is ultimately a decision that is best made after a thorough assessment of the individual circumstances of each case. The decision should always be guided by well-defined criteria, in accordance with international standards, and should be made by an independent and impartial court or tribunal, taking into account the local conditions, history, culture and political context (see A/HRC/18/44, para. 30).

IV. Legal and policy frameworks and measures taken at the national, regional and international levels

29. The unprecedented rapid development of new communication and information technologies, including the Internet, has enabled wider dissemination of racist and xenophobic content that incites racial hatred and violence. In response to that problem, States and international and regional organizations have undertaken a variety of legal and policy initiatives. Civil society and the private sector have also contributed to addressing this phenomenon through various measures and initiatives. The Special Rapporteur is of the view that to make actions fully effective, a comprehensive and cohesive approach should be developed through dialogue and consultation among relevant actors and stakeholders, with a view to enhancing synergies of strategies and actions.

A. International frameworks and initiatives

30. With regard to international efforts to combat the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, the Durban Declaration and Programme of Action highlight several important areas of action identified by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.[7] Furthermore, article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination provides that States parties shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, as well as incitement to racial discrimination; and article 4 (b) provides that States parties shall declare illegal and prohibit organized and all other propaganda activities which promote and incite racial discrimination.

31. A number of United Nations human rights mechanisms have addressed the issue of the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance. The Committee on the Elimination of Racial Discrimination, in its general recommendation XXIX, adopted in 2002, on descent-based discrimination, recommended that States take strict measures against any incitement to discrimination or violence against descent-based communities, including through the Internet. Further, in its general recommendation XXX on discrimination against non-citizens, the Committee recommended taking resolute action to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, descent, and national or ethnic origin, members of "non-citizen" population groups, especially by politicians, officials, educators and

[7] Programme of Action (A/CONF.189/12 and Corr.1, chap. I), paras. 140-147.

the media, on the Internet and other electronic communications networks and in society at large. It has also expressed concern at the dissemination of racist propaganda on the Internet in a number of recent concluding observations issued after consideration of regular reports submitted by States parties, in which it states that such dissemination falls within the scope of prohibitions under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.[8] At its eighty-first session, held in Geneva from 6 to 31 August 2012, the Committee on the Elimination of Racial Discrimination organized a thematic discussion on racist hate speech which also touched upon the issue of the Internet.

32. The Office of the United Nations High Commissioner for Human Rights has played a key role in the international debate on racism and the Internet. In 1997, OHCHR organized a seminar on the role of the Internet to find ways and means to ensure its responsible use in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (see E/CN.4/1998/77/Add.2). Pursuant to resolution 1999/78 of the Commission on Human Rights, the United Nations High Commissioner for Human Rights undertook research and consultations to explore the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, and to study ways of promoting international cooperation in this area. The resulting study described how individuals and groups with racist beliefs and agendas had availed themselves of this rich communication resource to establish and strengthen ties among themselves and make their racist materials, in increasing volume and with increasing sophistication, available online to Internet users (see A/CONF.189/PC.2/12). In 2011, OHCHR organized a series of expert workshops for Africa, the Asia-Pacific region, Europe and the Latin America and Caribbean region on the prohibition of incitement to national, racial or religious hatred, as reflected in international human rights law. The objectives of these workshops were to gain a better understanding of legislative patterns, judicial practices and different types of policies in countries of the various regions of the world, with regard to the prohibition of incitement to national, racial, or religious hatred while ensuring full respect for freedom of expression, as outlined in articles 19 and 20 of the International Covenant on Civil and Political Rights; to arrive at a comprehensive assessment of the state of implementation of this prohibition of incitement in conformity with international human rights law; and to identify possible actions at all levels. At the regional consultations the participants discussed strategic responses to hate speech, which in addition to legal measures should include, inter alia, systematic monitoring and data gathering to facilitate early warning; self-regulation by the media; awareness-raising campaigns by Governments; the training of law enforcement officers and judges; and the promotion of tolerance through education. OHCHR will convene a final expert meeting, to be hosted by the Kingdom of Morocco, on 4 and 5 October 2012, to develop a comparative analysis of the findings of the four workshops, to identify possible actions at all levels and to reflect on the best ways and means of sharing experiences.

33. The Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action held a high-level seminar on racism and the Internet in 2006. During the discussion, it was underlined that a combination

[8] CERD/C/64/CO/2, para. 19; CERD/C/ITA/CO/16-18, para. 17; CERD/C/63/CO/5, para. 14; and CERD/C/LUX/CO/13, para. 14.

of measures in the form of self-regulatory initiatives combined with education about racist content on the Internet and the fostering of tolerance could be the most effective way to alleviate the problem (see E/CN.4/2006/18). Moreover, a number of important recommendations were made, which included promoting the use of the Internet to create educational and awareness-raising networks against racism; using the Internet to promote universal respect for human rights and human development; increasing awareness about the possibilities offered by new information technologies; and continually developing tools to promote among civil society, in particular parents, teachers and children, the use of information networks. Several practical measures were proposed, such as the creation of a model anti-racism network for schools, the inclusion of anti-racism messages on websites accessed by young people, training courses for teachers on how to use the Internet, the sharing of good practices, the promotion of digital inclusion, the ethical use of the Internet and the development of critical thinking skills for children (ibid., paras. 37-39).

34. In October 2003, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted a new integrated strategy to combat racism, discrimination, xenophobia and intolerance,[9] which was developed after a series of studies and consultations on different aspects and forms of racism, xenophobia and discrimination, including the issue of combating racist propaganda in the media, especially in cyberspace. The strategy contains a set of measures to be taken by the organization in response to the potential use of new information and communications technologies, in particular the Internet, to spread racist, intolerant or discriminatory ideas. Specifically, the measures include combating racism and discrimination in cyberspace by enhancing UNESCO awareness-raising efforts to ensure greater respect for ethical rules by media professionals; ensuring more effective application of regulations in this area by relevant authorities; launching campaigns for raising the awareness of political and professional decision makers and mobilizing them against racist propaganda spread via the new information technologies, and creating Internet dialogue and discussion forums on racism in the schools, in view of the increasingly widespread use of the Internet by young people.

35. Besides its work in the area of transnational crime and organized crime, the United Nations Office on Drugs and Crime (UNODC) addresses cybercrime, including specific computer-related acts involving racism and xenophobia, by various means such as providing technical assistance and training to States to improve national legislation and building the capacity of national authorities to prevent, detect, investigate and prosecute such crimes in all their forms. UNODC has carried out an extensive analysis of the interface between crime and the use of the Internet, and is currently undertaking a comprehensive study of the problem of cybercrime and responses to it.

36. The International Telecommunication Union is playing an increasing role in relation to cybersecurity and efforts to combat cybercrime. The fundamental role of ITU, following the World Summit on the Information Society and the ITU Plenipotentiary Conference held in Guadalajara, Mexico, in 2010, is to build confidence and security in the use of information and communications technologies. In response to the task entrusted to it to take the lead in coordinating international efforts in the field of cybersecurity, ITU launched the Global Cybersecurity Agenda, which is a framework for international cooperation aimed at enhancing global public

[9] Available from http://unesdoc.unesco.org/images/0013/001312/131202e.pdf.

confidence and security in the information society. In the context of the Agenda, ITU provides support to its member States through specific initiatives and activities related to legal, technical and procedural measures, organizational structures, capacity-building and international cooperation on cybersecurity. The organization has also provided training courses, training materials and publications on specific cybercrimes for law enforcement and judicial organs as well as civil society. Moreover, it has developed a number of tools, including a report entitled "Understanding cybercrime: a guide for developing countries", aimed at helping them to better understand the national and international implications of growing cyberthreats and assist in the assessment of the existing legal framework and in the establishment of a sound legal foundation.

B. Regional frameworks and initiatives

37. At the regional level, the Council of Europe Convention on Cybercrime and its Additional Protocol constitute a legally binding framework with the widest reach. The Council of Europe Convention on Cybercrime,[10] which entered into force on 1 July 2004, is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. The Convention has been supplemented by an Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, which entered into force on 1 March 2006.[11] The Additional Protocol made any publication of racist and xenophobic propaganda via computer networks a criminal offence. Although many member States of the Council of Europe had already criminalized certain acts related to racist or xenophobic content, a coordinated approach, based on the common elements included in the Additional Protocol, was taken owing to considerable challenges faced by law enforcement agencies in addressing the dissemination of such material through the Internet.

38. The Organization for Security and Cooperation in Europe (OSCE) has been enhancing its work in combating racism, racial discrimination, xenophobia and related intolerance on the Internet. The commitment to combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet, was made by the Ministerial Council of the OSCE, meeting in Maastricht in December 2003, in its Decision No. 4/03 on tolerance and non-discrimination. In November 2004, the Permanent Council of OSCE, in its Decision No. 633 on promoting tolerance and media freedom on the Internet, decided that participating States should investigate and, where applicable, fully prosecute violence and criminal threats of violence, motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet (para. 2). In the same decision, the Permanent Council also stated that participating States should study the effectiveness of laws and other measures regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic and anti-Semitic crimes (para. 5), and encourage and support analytically rigorous studies on the possible relationship between racist, xenophobic and anti-Semitic speech on the Internet and the commission of crimes motivated by such speech (para. 6). The Ministerial Council, in paragraph 12 of its

[10] Available from http://conventions.coe.int/Treaty/en/Treaties/Html/185.htm.

[11] Available from http://conventions.coe.int/Treaty/en/Treaties/html/189.htm.

Decision No. 9/09 on combating hate crimes, adopted in Athens on 2 December 2009, assigned its Office for Democratic Institutions and Human Rights the task of exploring, in consultations with the participating States and in cooperation with relevant international organizations and civil society partners, the potential link between the use of the Internet and bias-motivated violence and the harm it causes, as well as eventual practical steps to be taken.[12]

39. To ensure safer use of the Internet, in 1998 the European Union adopted an action plan which encouraged self-regulatory initiatives to deal with illegal and harmful Internet content, including the creation of a European network of hotlines for Internet users to report illegal content such as child pornography; the development of self-regulatory and content-monitoring schemes by access and content providers; and the development of internationally compatible and interoperable rating and filtering schemes to protect users. In May 2005, the European Union extended the Action Plan, entitled the "'Safer Internet plus' programme", for the period 2005-2008. The aims of the programme were to continue to promote safer use of the Internet and new online technologies, and particularly to fight against illegal content such as child pornography and racist material and content which is potentially harmful to children or unwanted by the end-user.[13]

40. There are other relevant regional initiatives aimed at reaching a common understanding and coordination on principles and standards for the fight against cybercrime and enhancing cybersecurity. In 2002, the Commonwealth of Nations presented a model law on cybercrime that provides a legal framework to harmonize legislation within the Commonwealth and enable international cooperation. In 2002, the Organization for Economic Cooperation and Development (OECD) completed guidelines for the security of information systems and networks: towards a culture of security. In 2009, the Economic Community of West African States (ECOWAS) adopted a directive on fighting cybercrime in the ECOWAS region that provides a legal framework for its member States. The East African Community framework for cyberlaw was adopted in May 2010, and provides an overview of the key legal issues related to intellectual property, competition, taxation and information security. Asia-Pacific Economic Cooperation (APEC) issued, in 2002, a cybersecurity strategy which outlined five areas for cooperation, including legal developments, information sharing and cooperation, security and technical guidelines, public awareness, and training and education. In 2007, the Arab League and the Gulf Cooperation Council (GCC) made a recommendation to seek a joint approach on cybercrime-related issues by taking into consideration international standards. Since the preceding regional approaches to the fight against cybercrime, including specific computer-related crimes involving incitement to racial hatred and violence, are applicable only to member States of the respective organizations, their impact may be limited. Furthermore, the majority of them do not specifically address content-related offences such as the dissemination of racist ideas or incitement to racial hatred and violence on the Internet; rather, they mainly focus on other forms of cybercrime and cybersecurity concerns.

[12] Available from http://www.osce.org/cio/40695.

[13] See Decision No. 854/2005/EC of 11 May 2005 of the European Parliament and of the Council establishing a multiannual Community Programme on promoting safer use of the Internet and new online technologies, in *Official Journal of the European Union*, vol. 48 (11 June 2005).

C. Frameworks and initiatives at the national level

41. To date, the issue of racism and incitement to racial hatred and violence on the Internet has largely been addressed through national and regional frameworks. According to information provided by States,[14] a number of measures have been undertaken, including prohibiting Internet content that incites extremism and xenophobia; ensuring collaboration among relevant law enforcement agencies; creating designated units or services for combating cybercrime, including the incitement to racial hatred and violence; creating Internet resources on the prevention of extremism and the promotion of respect for multiculturalism and ethnic diversity; criminalizing acts of incitement to racial hatred and violence committed through the Internet; prohibiting dissemination of racist and Nazi materials; monitoring Internet content; and setting up online complaint filing mechanisms.[15] In some countries, national human rights institutions are also handling an increasing number of complaints related to allegations of hate speech and incitement to racial hatred and violence disseminated on the Internet. In addition, private and quasi-private organizations, including service providers, have developed codes of conduct, end-user rules and guidelines for business practices to prevent inappropriate or illegal racist content (see A/64/294, paras. 27-31 and 73).

42. The Special Rapporteur believes that in combating racism and incitement to racial hatred and violence on the Internet, a comprehensive approach is needed. Laws, regulations and prosecutions adopted at the national level may have limited impact owing to the transborder and decentralized nature of the Internet as well as to differing national approaches, laws and policies, particularly with regard to the legality of acts of dissemination of racist ideas, incitement to racial hatred and violence on the Internet.[16] Therefore, additional measures in the form of self- and co-regulatory initiatives such as codes of conduct, end-user rules and others developed by private and quasi-private organizations, including those that create online content and provide web-hosting services, can be useful in making the efforts more effective. Furthermore, as stated in paragraph 141 of the Programme of Action, education about racist content on the Internet and about ways to foster tolerance is another important tool for combating this phenomenon. In that regard, the Special Rapporteur concurs with the views expressed by the previous mandate holders on the importance of education and awareness-raising in combating ideas and concepts that may incite or legitimize racism, racial discrimination or xenophobia, in particular via the Internet (A/HRC/4/19, para. 61).

V. Combating the use of the Internet for propagating racism, racial discrimination, xenophobia and related intolerance

A. Legislative, policy and other measures

43. There are a number of legal, policy, and programmatic measures that may be taken to combat racism and incitement to racial hatred and violence on the Internet.

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[14] See A/64/295, A/65/323 and A/66/312.

[15] See, for example, A/65/323, para. 69.

[16] E/CN.4/2006/WG.21/BP.1. Available from http://www2.ohchr.org/english/issues/racism/groups/docs/e_cn4_2006_wg21_bp1.doc.

The Programme of Action (para. 145) urges States to implement legal sanctions, in accordance with the relevant international human rights law, in respect of incitement to racial hatred through new information and communications technologies, including the Internet, and further urges them to apply all relevant human rights instruments to which they are parties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, to racism on the Internet. Taking fully into account existing international and regional standards on freedom of expression, the Programme of Action also calls upon States to consider the following (para. 147):

(a) Encouraging Internet service providers to establish and disseminate specific voluntary codes of conduct and self-regulatory measures against the dissemination of racist messages and those that result in racial discrimination, xenophobia or any form of intolerance and discrimination; to that end, Internet providers are encouraged to set up mediating bodies at national and international levels, involving relevant civil society institutions;

(b) Adopting and applying, to the extent possible, appropriate legislation for prosecuting those responsible for incitement to racial hatred or violence through the new information and communications technologies, including the Internet;

(c) Addressing the problem of dissemination of racist material through the new information and communications technologies, including the Internet, inter alia, by imparting training to law enforcement authorities;

(d) Denouncing and actively discouraging the transmission of racist and xenophobic messages through all communications media, including new information and communications technologies, such as the Internet;

(e) Considering a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material through the new information and communications technologies, including the Internet; and in this context strengthening international cooperation;

(f) Encouraging access and use by all people of the Internet as an international and equal forum, aware that there are disparities in use of and access to the Internet;

(g) Examining ways in which the positive contribution made by the new information and communications technologies, such as the Internet, can be enhanced through replication of good practices in combating racism, racial discrimination, xenophobia and related intolerance;

(h) Encouraging the reflection of the diversity of societies among the personnel of media organizations and the new information and communications technologies, such as the Internet, by promoting adequate representation of different segments within societies at all levels of their organizational structure.

44. A variety of possible players that may be involved in combating racism and incitement to racial hatred and violence on the Internet include Governments and private sector and civil society organizations at the national, regional and international levels. In that regard, the Special Rapporteur would like to emphasize the importance of establishing clear roles and responsibilities of the different actors involved: Internet service providers, Internet companies, law enforcement agencies, non-governmental organizations and independent monitoring and complaint

mechanisms. It is also crucial to strengthen and institutionalize dialogue and collaboration among the various actors involved in addressing the issues of racism and incitement to racial hatred and violence on the Internet.

45. The Special Rapporteur is of the view that national, regional and international efforts, including legislative and policy initiatives, are of major political significance and may facilitate identification of common strategies and solutions. In particular, he reiterates the opinion of the Committee on the Elimination of Racial Discrimination on the mandatory character of State obligations to enact appropriate legislation in line with the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. In that regard, he welcomes efforts by the Committee on the Elimination of Racial Discrimination to provide further clarification regarding the obligations of parties to the Convention, particularly in respect of the exploitation of the Internet to propagate racial, ethnic and xenophobic hatred and incitement to violence. The Special Rapporteur is also persuaded by and supports the opinions of the Committee, and those of his predecessors, that legal measures taken to combat the propagation of racial, ethnic and xenophobic hatred and incitement to violence through the Internet are compatible with international human rights norms on the freedom of expression and opinion. The Special Rapporteur notes and appreciates that there are genuine differences in the views of States on the need for and the possible political dangers presented by legislative measures to restrict certain forms of speech. However, the Council of Europe has demonstrated the possibilities of a collective legal approach to combating racial, ethnic and xenophobic hatred and incitement through the Internet. There are other important efforts in other regions. The Special Rapporteur also notes that a number of States have enacted legislation to combat racism on the Internet.

B. Role of the private sector, including intermediaries

46. The multi-stakeholder approach to addressing the problem of propagation of racial, ethnic and xenophobic hatred and incitement to violence on the Internet has been stressed in the Durban Declaration and Programme of Action and at various meetings convened under the auspices of the United Nations. In particular, such business enterprises as Internet service providers and content developers have certain responsibilities through self-regulation and co-regulation with State agencies. Certain measures by Internet service providers, such as establishing clear and comprehensive terms of service as a basis for taking appropriate action against websites that disseminate racist ideas, hate messages and incitement to racial hatred and violence on the Internet, have been cited as some of the ways in which the private sector can contribute to combating racism and the incitement of hatred on the Internet. Business entities can also promote the use of industry codes of conduct, ethical guidelines and principles as tools for addressing online racist content; develop and implement accessible and transparent online complaint mechanisms; and enhance mechanisms available to end-users to flag inappropriate content placed on Internet sites.

47. The Special Rapporteur is, however, aware that the Internet industry faces technical challenges owing to the huge amount of data and content uploaded by users and that it may not be technically feasible to monitor, filter or address the inappropriate or illegal content. Moreover, there are genuine risks that such

technical measures as surveillance or filtering mechanisms may create unintended consequences that interfere with cross-border data flows and services and undermine the Internet as a single, unified and global communications network, and may be easily misused to limit or suppress other human rights such as the right to freedom of expression.

48. Given the lack of easy consensus on what content may be considered as "inappropriate", "illegal", "racist" or "inciting hatred", the industry on its own should not make decisions regarding user-generated content and take such actions as removing or filtering the content. In that regard, the view of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is instructive: that the development of criteria for censorship measures should never be delegated to private entities; and that intermediaries should not be held liable for refusing to take action that infringes individuals' human rights. Requests to intermediaries to prevent access to certain content, or disclose private information for strictly limited purposes such as the administration of criminal justice, should be done through an order issued by a court or a competent body which is independent of any political, commercial or other unwarranted influences (A/HRC/17/27, para. 75). Moreover, the different cultural and political contexts of various States means that different countries will have differing positions, approaches and regulations with regard to Internet content. In spite of those challenges, the Special Rapporteur notes that there are many private sector measures that are already in place in a number of States that continue to make positive contributions to combating the promotion of racial, ethnic and xenophobic hatred and incitement to violence through the Internet.

C. Role of civil society

49. Civil society actors are also central to anti-racism efforts and their inputs and contributions have to be an integral part of strategies at the international, regional and national levels. Most of the monitoring of the Internet for racial, ethnic and xenophobic hatred and incitement to violence is currently undertaken by civil society groups operating as non-governmental organizations or research institutes. The work of these groups — collecting relevant data and identifying trends, publicizing and therefore shaming promoters of such hatred, promoting consumer awareness to allow consumers to make informed decisions and shaping policy and legislation in different countries — has contributed immensely to efforts to combat the challenge. Furthermore, civil society actors are working closely with victims of racism, racial discrimination and xenophobia to encourage and assist them in defending their rights and expressing their views on the Internet.

VI. Promoting the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance

50. The Durban Declaration (para. 92) and Programme of Action (para. 140) recognize the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial

discrimination, xenophobia and related intolerance, and that new technologies can assist the promotion of tolerance and respect for human dignity, and the principles of equality and non-discrimination. The Programme of Action also highlights the potential to increase the use of the new information and communications technologies, including the Internet, to create educational and awareness-raising networks against racism, racial discrimination, xenophobia and related intolerance, both in and out of school, as well as the ability of the Internet to promote universal respect for human rights and also respect for the value of cultural diversity (para. 141).

51. Like his predecessor, the Special Rapporteur encourages States to fully exploit the opportunities provided by new technologies, including the Internet, to counter the dissemination of ideas based on racial superiority or hatred (A/HRC/20/38, para. 12). He would also like to reiterate that promoting the expression of diverse views and opinions through the Internet remains an effective approach to combating and preventing racism, consistent with the implementation of articles 19 to 22 of the International Covenant on Civil and Political Rights, and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (A/HRC/20/33, para. 63).

52. As the Special Rapporteur noted in his previous report, the Internet and social media can also be a useful tool for preventing the spread of racist ideologies by extremist political parties, groups and movements. In that connection, he welcomes information received about projects set up at the national level by civil society groups with the support of public authorities, including the creation of a social network-based platform targeting young people and specifically aimed at countering right-wing extremism and fostering a democratic culture (see A/HRC/20/38, para. 12).

53. The Special Rapporteur believes that one of the possible ways of countering and preventing racism on the Internet would be to diversify content, particularly by promoting local content. The Internet as a global network provides a common platform for communicating and sharing ideas, views and values among different cultures and communities around the world. Feeding local content into the global network can contribute to greater understanding, tolerance and respect for diversity. In particular, the Internet holds a great potential to reduce information asymmetry and misperceptions that feed racist and xenophobic expressions. In that regard, as the previous mandate holder noted, such initiatives as information campaigns broadcast on the Internet could be useful in promoting harmony and tolerance among different ethnic groups (A/HRC/18/44, para. 12). Promoting affordable access to the Internet and the creation of culturally and linguistically diverse content, as proposed by some civil society initiatives, may also contribute to better appreciation of diversity.[17]

54. It should be borne in mind that most often victims of racial discrimination are more likely to lag behind in digital connectivity and access to the Internet. The absence of their voices in digital conversations leaves racist ideas unchallenged. In that regard, the Special Rapporteur would like to reiterate his recommendation that States should adopt effective and concrete policies and strategies to make the Internet widely available, accessible and affordable to all, on the basis of the

[17] See, for example, the Association for Progressive Communications (www.apc.org).

principles of non-discrimination of any kind, including on the grounds of race, colour, descent and ethnic or national origin. Relevant private sector actors, in particular Internet intermediaries, can also support such efforts by providing access to networks and enabling online participation by diverse racial and ethnic groups and individuals. According to the studies released jointly in 2012 by the Internet Society, the Organization for Economic Cooperation and Development and the United Nations Educational, Scientific and Cultural Organization, there is a strong correlation between the development of a network infrastructure and the growth of local content: the more developed the local Internet markets, the lower the reported prices for international bandwidth.[18]

VII. Conclusions and recommendations

55. **The Special Rapporteur notes that addressing the promotion of racial, ethnic and xenophobic hatred through the Internet now presents a fairly new and complex challenge to anti-racism efforts. He stresses, however, that the Durban Declaration and Programme of Action and other international human rights instruments, in particular, the International Convention on the Elimination of All Forms of Racial Discrimination, provide a comprehensive and fairly robust framework for possible actions in combating this phenomenon. To that end, he welcomes the interest of and attention paid by the Committee on the Elimination of Racial Discrimination in elaborating interpretations of provisions of the Convention with regard to racial and ethnic hatred, and appreciates the contribution of the recent studies by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on this matter. The Special Rapporteur is keen to promote dialogue on the issue and welcomes the support expressed by States and other United Nations mechanisms to proposals for further consultations on the issue of racism and the Internet.**

56. **The Special Rapporteur also notes that important legal and policy efforts have been undertaken at the regional and national levels to address the challenge of the propagation of racial, ethnic and xenophobic hatred and incitement through the Internet. Legislative measures are central to any strategy to combat racism, ethnic hatred and xenophobia, and the Special Rapporteur encourages those States that have not enacted legislation to combat and prevent racial, ethnic and xenophobic hatred through the Internet to consider the enactment of such legislation. Legislative measures must, however, take into account States' obligations to protect other fundamental rights, such as the freedom of expression and opinion, as spelled out in both the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.**

57. **Combating the use of the Internet to propagate racial, ethnic and xenophobic content and incitement to violence requires a multi-stakeholder approach. In that regard, the role of the private sector, in particular Internet service providers and other relevant industry players, is crucial. The Special**

[18] Internet Society, OECD and UNESCO, "The relationship between local content, Internet development and access prices" (2012). Available from http://www.internetsociety.org/localcontent.

Rapporteur has highlighted some of the measures already being undertaken by the private sector to address the challenge of racism and incitement to racial hatred and violence on the Internet. The Special Rapporteur would like to note the positive contribution of such measures as the promotion of end-user empowerment and education; the involvement of Internet service providers in the policy discourse and in consultations on the issues of combating racism and incitement to racial hatred and violence on the Internet; the development of intelligent software in the areas of monitoring and filtering; and improvement in co-regulation and self-regulation mechanisms. He notes, however, the limitations in technical measures and is alert to the risks that such technical measures could lead to unintended consequences that restrict human rights. Moreover, the Special Rapporteur shares the view expressed by the Human Rights Council in its resolution on the promotion, protection and enjoyment of human rights on the Internet, adopted on 5 July 2012, in which it recognized the "global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms" which should be maintained.

58. Given the variety of possible players that may be involved in combating racism and incitement to racial hatred and violence on the Internet, including Governments, and private sector and civil society organizations at the national, regional, and international levels, the Special Rapporteur would like to emphasize the importance of establishing clearly the responsibility and roles of the different actors involved, and strengthening and institutionalizing dialogue and collaboration among a variety of actors.

59. In accordance with the provisions of the Durban Declaration and Programme of Action, the Special Rapporteur would like to encourage States to use the opportunities provided by the Internet and social media to counter the dissemination of ideas based on racial superiority or hatred and to promote equality, non-discrimination and respect for diversity. He believes that one of the possible ways of countering racism on the Internet is through content diversification, in particular by promoting local content. Feeding more local content to the global network would contribute to greater understanding, tolerance and respect for diversity, and offers great potential for reducing information asymmetry and misperceptions that feed racist and xenophobic expressions.

60. In the global digital network, the voices of victims of racial discrimination most often remain absent owing to lack of access to the Internet, which often leaves racist ideas unchallenged. In that regard, the Special Rapporteur would like to reiterate that States should adopt effective and concrete policies and strategies to make the Internet widely available, accessible and affordable to all, on the basis of the principles of non-discrimination of any kind, including on the grounds of race, colour, descent, and ethnic or national origin.

61. The Special Rapporteur would like to note the significance of educational and research activities, such as studies on the possible consequences of dissemination of racist ideas, hate messages and incitement to racial hatred and violence on the Internet; research and analysis on the effectiveness of existing legal, policy and technical measures; the development of educational programmes and training materials for young people; the promotion of media

literacy programmes, including technical and textual Internet literacy; and the development and implementation of educational concepts that counter the spread of racist ideas, hate messages and incitement to racial hatred and violence on the Internet.

62. **The Special Rapporteur notes the importance of further examining the link between various manifestations of racism on the Internet and hate crimes committed and, given the lack of adequate data on this issue, recommends that States enhance their efforts to identify, investigate and register such hate crimes.**

63. **The Special Rapporteur would like to underscore the need for a more comprehensive study of the different dimensions to the problem of racism and the Internet. There are many important developments at the regional and national levels, within the private sector and in civil society that can be highlighted as good practices in combating racial and ethnic hatred and incitement to violence on the Internet. Those practices as well as the linkages between online racial hatred and incitement and racial crimes need further investigation. The Special Rapporteur has prepared the present report as a preliminary examination of the problem of racism and the Internet and proposes to submit in one of his future reports a follow-up study that will provide more depth, wider scope, data and analysis.**

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Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 66/175, in which the Assembly requested the Secretary-General to submit a report to the Assembly at its sixty-seventh session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on progress made in the implementation of the present resolution, including recommendations to improve its implementation. In its resolution 66/175, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/66/361) and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/175, in which the Secretary-General was requested to report to the Assembly at its sixty-seventh session on the progress made in the implementation of the resolution. It reflects the latest patterns and trends in the human rights situation in the Islamic Republic of Iran and attempts to highlight issues affecting the improvement of economic, social and cultural rights. It draws upon observations made by treaty monitoring bodies, the special procedures of the Human Rights Council, United Nations agencies and international non-governmental organizations. It also refers to information from official State media, owing to the difficulty of collecting independent data on the human rights situation in the Islamic Republic of Iran.

2. Since the last report of the Secretary-General to the Human Rights Council (A/HRC/19/82), human rights violations continued, targeting in particular journalists, human rights defenders and women's rights activists. Concerns about torture, amputations, flogging, the increasingly frequent application of the death penalty (including in public and for political prisoners), arbitrary detention and unfair trials, continue to be raised by United Nations human rights mechanisms. Freedom of expression and assembly remained curtailed, and opposition leaders have remained confined under house arrest since February 2011. Discrimination against minority groups persisted, in some cases amounting to persecution.

3. There were, however, some positive developments including the engagement by the Islamic Republic of Iran with the Human Rights Committee, which reviewed its third periodic report under the International Covenant on Civil and Political Rights (CCPR/C/IRN/3) in October 2011, and the visit of a working-level mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in December 2011. Also, the new Islamic Penal Code, adopted by Parliament in January 2012, omits the penalty of stoning and reduces the range of offences for which the death penalty may be applied against juveniles. Regrettably, the Government did not admit the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, nor did it follow up on its pledge to invite two special procedures mandate holders.

II. Thematic issues

A. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations

4. As highlighted in the last report of the Secretary-General to the Human Rights Council, the recurrence of allegations of torture in detention facilities remains an area of grave concern to United Nations human rights mechanisms. The special procedures mandate holders of the Human Rights Council and the United Nations treaty bodies continue to express concern about reports of torture and other cruel, inhuman or degrading treatment or punishment. In their comments on the Secretary-General's report, the authorities stated that the Constitution of the Islamic Republic of Iran forbids the use of all forms of torture for the purpose of extracting

confession or acquiring information and that the Islamic Penal Code and the Code on citizen's rights provide for acts of torture to be punished.

5. A joint study on global practices in relation to secret detention in the context of countering terrorism, conducted by a number of special procedures mandate holders (see A/HRC/19/44) identified a pattern of incommunicado detention of political prisoners in secret or unofficial detention facilities. Concerns were expressed about section 209 at Evin Prison, where political prisoners in particular are often held in prolonged, solitary and incommunicado confinement.[1] In communications to the authorities, the Special Rapporteur on torture expressed concern about reports of torture and other cruel, inhuman or degrading treatment or punishment and stressed that the use of solitary and prolonged confinement increases the risk that acts of torture and other cruel, inhuman or degrading treatment or punishment will go undetected and unchallenged (see A/HRC/19/61/Add.4). The Human Rights Committee echoed similar concern about reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly in respect of persons accused of national security-related crimes.

6. On 28 February 2012, the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Independent Expert on minority issues expressed grave concerns about the alleged torture and subsequent death in detention of two ethnic Ahwazi Arab activists. According to the information received, Mr. Nasser Alboshokeh Derafshan, an ethnic Arab who had reportedly been arrested by security forces on 26 January, died under torture during his detention. His family was informed of his death on 30 January. Mr. Mohammad Al-Kaabi was arrested by security forces in Shush on 21 January and taken to a detention facility run by the Ministry of Intelligence, where he was allegedly tortured to death. Local authorities reportedly buried the body and warned his family to abstain from conducting public mourning services.

7. Amputation and corporal punishment, including flogging, which is considered incompatible with article 7 of the International Covenant on Civil and Political Rights owing to its extreme severity, continue to be reported. Reports of the imposition of retribution punishment continue to be received. During the reporting period, at least three persons charged with acid attacks were sentenced to blinding, and their cases are pending final approval by the Chief of the Judiciary. The Iranian authorities exclude the State's responsibility in cases of retribution and stress that sharia jurisprudence considers retribution a private right of the victim's family and that the authority to execute the punishment is solely dependent upon the demand of the victim's family. There are reports of a noticeable increase in corporal punishment, particularly in public. The authorities refer to crime deterrence and an alternative to incarceration as justification. On 22 May, one person accused of abduction was publicly punished with 74 lashes in Khuzistan.

[1] The Iranian authorities noted that reforms of the prison management system have replaced solitary confinement with "single suites", which are used in very rare cases.

B. Death penalty, including public executions

8. In January 2012, the Parliament of the Islamic Republic of Iran passed a revised Islamic Penal Code. It is currently pending final approval by the Guardian Council and signing by the President. It reportedly omits the punishment of stoning and the details of this method of execution but retains the death penalty for crimes relating to national security, *Moharebeh* (enmity against God), *mofsid-fil-arz* (corruption on earth), drug trafficking, rape, *qisas* (retribution in kind) and certain other *hudud* crimes. The Secretary-General, while welcoming the omission of the punishment of stoning, regrets that the revised law fails to take into account numerous calls by the international community, in particular the United Nations human rights mechanisms, to fully abolish the death penalty or to restrict its imposition to only the "most serious crimes", as stipulated in article 6 (2) of the International Covenant on Civil and Political Rights. Furthermore, concern remains that the punishment of stoning may still be issued at a judge's discretion, in accordance with sharia law or fatwas.

9. The Secretary-General is concerned that the death penalty continues to be applied with alarming frequency. He notes with concern the reported executions of over 600 persons in 2011, and the ensuing escalation in executions in the first half of 2012, with over 200 persons reported to have been executed since January. The special procedures also continue to express alarm at the high number of death sentences handed down and the increased number of executions carried out, on the basis of charges that do not amount to the most serious crimes, in particular drug-related charges. On 23 May, authorities reported the execution of 14 persons for drug-related offences in Tehran. On 28 June, the Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran, on extrajudicial, summary or arbitrary executions, and on torture publicly condemned executions in the Islamic Republic of Iran and stated that at least 140 executions, including 25 in public, were known to have been carried out since the beginning of 2012, with some sources indicating the figure to be as high as 220. In his report to the Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed concern about the executions of persons charged with drug-related offences and reported the executions of 600 persons in 2011, the majority for offences involving drugs (see A/HRC/19/66). Concerns were also raised regarding fair trial safeguards, including access by convicts to lawyers and to their families. The authorities attribute the increased number of executions to drug trafficking and maintain that all legal proceedings and requirements are completed in drug-related cases. The Judiciary also appears to be expanding the scope of the executions to include cases relating to financial embezzlement. On 30 July, a Judiciary spokesman was quoted as saying that 4 of the 39 persons convicted in a $2.6 billion financial fraud case had been given the death penalty; others had received jail sentences, including life imprisonment.[2]

10. The Special Rapporteur on extrajudicial, summary or arbitrary executions sent several communications during the reporting period, expressing concerns about the ongoing adjudication of death penalties for crimes of *Moharebeh* (enmity against God), *mofsid-fil-arz* (corruption on earth), apostasy and drug-related cases, following trials in which the guarantees of due process of law had not been properly

[2] See www.press[illegible].com/detail/2012/07/30/253514/iran-condemns-4-to-death-in-bank-fraud/.

applied. On 15 November 2011, the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the independence of judges and lawyers and on torture, and the Independent Expert on minority issues drew the authorities' attention to the imminent execution of Kurdish activists, Mr. Zanyar Moradi and Mr. Loghman Moradi, both sentenced to public execution in December 2010 on charges of *Moharebeh* (enmity against God) and *mofsid-fil-arz* (corruption on earth). The sentence was apparently upheld by the Supreme Court in October 2011. It is alleged that both men were coerced into confession after being tortured for 25 days. In a letter dated 11 June 2012, the Iranian authorities confirmed the death penalty for both men and stated that the verdict was open to appeal.

11. The high incidence of executions in public remains an ongoing concern, with a spike reported in 2012. At least 40 public executions were reported by the authorities in 2011, and over 30 cases were recorded in the first half of 2012. The majority of the executions were reportedly attended by a large crowd, including minors.

C. Executions of juvenile offenders

12. There have been efforts to progressively restrict the executions of juvenile offenders. The revised Islamic Penal Code, which is yet to be approved, does not end juvenile executions but establishes new measures to limit the juvenile death penalty. It revokes capital punishment for persons under the age of 18 charged with certain crimes, such as smuggling narcotics. In cases of attempted premeditated murder, where juveniles may still face execution, the Code introduces the notion of mental maturity and the ability to reason as key elements regarding their sentencing under capital offences. Article 90 of the revised Islamic Penal Code stipulates that juveniles under 18 who commit offences under the categories of *hudud* and *qisas* will not be sentenced to death if the court decides, through forensic evidence, that the offender did not have adequate mental maturity and the ability to reason. However, the Code does not raise the age of criminal liability of children. The latest juvenile execution reported was in September 2011, when 17-year-old Alireza Molla-Soltani was publicly hanged.

13. Furthermore, under the category of discretionary penalties (*tazir*), the Code abolishes corporal punishment and introduces alternative penalties that include community service, thereby minimizing the incidence of depriving children of their liberty; takes age and the severity of the offence into account in the determination of the punishment; and authorizes judges to assess progress in the rehabilitation of child offenders and eventually, discontinue punishment, especially in the case of deprivation of liberty. Moreover, the revised Code of Criminal Procedures, which has yet to be adopted, contains provisions that protect the rights of children. The revised Code of Criminal Procedures also provides for the establishment of juvenile courts that would hear all crimes committed by children and individuals under 18.

14. During its visit to Tehran in December 2011, the authorities informed an OHCHR delegation that the number of juvenile executions had dropped dramatically and that offences committed by persons under the age of 18 were tried in children's courts, where efforts were being made to apply lenient punishments. The authorities also pointed out that, even in cases of *qisas* (retribution), regarded under Iranian law as the private right of the victim's family, and which cannot be

overruled by the judiciary, extensive efforts were being made by the Conciliation Commission of the judiciary to encourage the families of the victim and the perpetrator to reach a *diyah* (blood money) settlement. They also informed the delegation that the Government's policy was to encourage next of kin to forfeit the right to *qisas* and that, each year, specific funds were earmarked by the Ministry of Justice to assist persons sentenced to pay the *diyah* settlement.

D. Women's rights

15. In addition to achievements in women's education and health, measures to improve women's participation in decision-making and women's political participation have been reported. There are currently four women cabinet ministers and a number of vice-ministers, and one of the organizational posts in each ministry is allocated to an adviser on women's and family affairs.[3] The number of women members of Islamic Councils in rural and provincial areas increased by 8.44 per cent in the third-term elections. The number of women in management positions in the Ministry of Education is reported to have increased from 45 in 2005 to 482 in 2011. In the past academic year, 390,306 girls were admitted to higher education, an increase of 192.96 per cent in three decades. Against this backdrop, the number of women representatives in Parliament remains low.[4] Women face restrictions in their appointment to certain decision-making positions. No woman can serve as President of the country and no woman has ever been appointed to the Council of Guardians or the Expediency Council.[5] Women may act as advisory judges, but cannot preside over a court.

16. The 2011 national census indicated that women's overall economic participation rate is 12.6 per cent, a decrease of 3 per cent compared with 2005. Women constitute only 13 per cent of the paid workforce. This is coupled with the prevalence of discriminatory job advertisements, which call for only men or only women applicants. Such requirements would seem discriminatory and could be based on stereotyped assumptions regarding which jobs are considered suitable for women.

17. The authorities have been working towards comprehensive gender segregation in universities and other institutions of higher education. In September 2011, the Minister of Science, Research and Technology revealed a comprehensive gender segregation plan based on a decision of the Supreme Council of the Cultural Revolution. The plan has received support from religious clerics, who have been pressing for total gender segregation in public places. Since September 2011, several universities have received authorization to implement gender segregation. Authorities have also been encouraging women students to study in their home cities and require those wishing to study elsewhere to produce authorizations from their father or husband. Women's access to higher education is further curtailed by the quota system in universities. The Guidelines for University Entrance Exams

[3] See www.un.org/womenwatch/daw/csw/csw56/general-discussions/member-states/Iran.pdf.

[4] At the parliamentary elections in March 2012, only 9 of the 290 elected members of Parliament were women.

[5] The Expediency Council is a powerful entity that serves as an advisory body for the Supreme Leader, with ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council.

(2011-2012) prescribe a quota for admission of men and women to certain public engineering universities for the current academic year. Based on those restrictions, it was estimated that fewer than 32 per cent of the admitted students were women. The percentage was 45 per cent for 2007-2008. These measures constrain women's ability to exercise their free and equal access to higher education.

18. According to various reliable reports, women activists continue to face intimidation and detention. A group of Iranian women activists, fearful of reprisal from the authorities, decided not to attend the fifty-sixth session of the Commission on the Status of Women in New York (February-March 2012).[6] A number of activists had been arrested and charged with national security-related charges for their participation in the Commission's fifty-fifth session in 2011, including Maryam Bahrman, an Iranian women's rights activist and member of the "One Million Signatures Campaign", who was arrested on 11 May 2011 and charged with national security offences. She is currently awaiting a court hearing. Another women's rights activist, Faranak Farid, also arrested in September 2011, is facing similar charges. The authorities argue that women activists associated with the "One Million Signatures Campaign" are engaged in illegal activities because they failed to gain legal permission as required by the law on "Activities of Political Parties, Societies, Political and Professional Associations and Islamic and Recognized Minority Religious Associations".

19. The Family Protection Bill introduced in the *Majlis* (Parliament) in 2007 is pending final approval. Certain controversial provisions in the Bill on taxing dowries, the marriage of an Iranian woman to a non-Iranian man and the practice of temporary marriages, which have a significant socioeconomic impact on women's lives, were nominally improved. Concern remains that the Bill still hinders women's advancement. For instance, it makes registration of temporary marriages obligatory only in cases where pregnancy is involved; the parties have specifically requested registration; or registration is a condition of the marriage. The lack of obligation to register temporary marriage would be a major setback for the promotion of gender equality and would undermine women's marital rights.

E. Rights of minorities

20. The international community continues to express concerns about the very serious discrimination against ethnic and religious minorities in law and in practice, in particular the Baha'i community. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed alarm about the systemic and systematic persecution of members of the Baha'i community, including severe socioeconomic pressure and arrests and detention. He also deplored the Government's tolerance of an intensive defamation campaign aimed at inciting discrimination and hate against Baha'is. He noted that 474 Baha'is had been arrested since 2004, 97 of whom were currently imprisoned (see A/HRC/19/66). The authorities note that while Baha'ism is not recognized as an official religion, its followers enjoy equal social, civil and citizens' rights. The Government states that they are free to travel overseas, enjoy banking rights and have equal access to institutions of higher education. The Government asserts that the Baha'i community

[6] See www.awid.org/eng/Library/Oral-Statement-on-The-Right-to-Participate-in-the-CSW-the-Case-of-Iran#.T47T33T-pdo.email.

has recruited members by irregular means or has acted against national security. On 31 May 2012, in a joint statement, a number of human rights organizations[7] expressed concern about the systematic deprivation of and discrimination against the Baha'i in institutes of higher education, noting that members of the Baha'i community were frequently prevented from pursuing higher education in violation of the International Covenant on Economic, Social and Cultural Rights, which recognizes the right of everyone to education and provides that higher education shall be made equally accessible to all on the basis of capacity. Hundreds of Baha'i students reportedly have been banned from entering public and private universities.

21. Other minority groups are also reported to have been subjected to a range of human rights violations and face severe restrictions on their freedom of religion and belief. Members of the Ahwazi Arab, Baloch and Kurdish communities face multifaceted discrimination, and their legitimate freedoms and rights are frequently transgressed. Members of these communities have frequently been arrested and given disproportionately heavy sentences, including the death penalty. On 19 June 2012, authorities reportedly executed at least four members of the Ahwazi community, who had been arrested in April 2011 during a protest in Khuzestan. The four men were convicted of *Moharebeh* (enmity against God) and *mofsid-fil-arz* (corruption on earth) and were sentenced to death following an apparently unfair trial. On 6 March 2012, Sheikh Hasan Amini, a prominent Sunni scholar, was summoned by the Clerical Court of Hamadan. He is reportedly accused of propaganda against the system for having criticized the Government for the detention of Sunni scholars and the ban on building Sunni mosques in Tehran.[8] Restrictions on building mosques and houses of worship and offering prayers in congregation (especially Eid and Friday prayers) are long-standing concerns raised by Sunni scholars.[9] On 14 May, one person was reportedly killed and several wounded when security forces opened fire on residents of Rask, who were protesting the arrest of at least 15 Sunni scholars in relation to the assassination, on 20 January, of Mullawi Jangi Zehi, the Friday prayer leader of Rask.[10]

22. The Secretary-General recognizes that the Islamic Republic of Iran generously hosts one of the largest and longest-standing refugee populations in the world, particularly from neighbouring Afghanistan and Iraq. As at July 2011, the Bureau for Aliens' and Foreign Immigrants' Affairs had registered 1,019,700 Afghan and 41,800 Iraqi refugees. There was a significant decline in the voluntary repatriation of Afghans, with 3,520 registered Afghan refugees returning home between January and June 2010, but in 2011, the number of people willing to repatriate increased.

23. The Islamic Republic of Iran has adopted some favourable measures to improve the situation of Afghan refugees. Since 2008, the Government has issued temporary work permits to eligible registered Afghan refugees. During the registration exercise in June 2011, the Government identified vulnerable registered refugees who qualified for exemption from payment of municipality taxes and school tuition fees.[11]

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[7] See www.amnesty.org/en/library/info/MDE13/033/2012/en.

[8] See www.sunnionline.us/english/index.php?option=com_content&view=article&id=3381.

[9] See http://english.sunnionline.us/index.php?option=com_content&view=article&id=3276.

[10] See www.presstv.ir/detail/242164.html.

[11] See www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96&submit=go.

24. In this context, the Secretary-General regrets reports that the Ministry of Education recently banned foreign nationals, including Afghans, from education in 20 fields, including atomic physics, nuclear engineering, aerospace engineering, chemical engineering and military science. Children born of registered refugee parents also continued to be denied birth certificates. In addition, authorities imposed restrictions on the freedom of movement of foreigners, including Afghan refugees, who were prevented from visiting public parks[12] and were recently banned from residing in several areas. Authorities in Fars province imposed restrictions on the selling of food products and cloths and on the delivery of public and medical services to undocumented foreigners. Bakeries, grocery stores and medical centres were warned to strictly abide by the rules and that any breach could lead to the closure of their businesses.[13] Employers were also warned against hiring undocumented foreign nationals.

25. Rising inflation and the removal of subsidies has affected the already difficult financial situation of refugees, who struggle to afford food and medical costs. The Government's plan to issue cash grants in lieu of subsidies for utilities and basic commodities has not been extended to refugees. This has resulted in a large number of vulnerable refugees approaching the Office of the United Nations High Commissioner for Refugees (UNHCR) for assistance.[11]

F. Freedom of peaceful assembly and association and freedom of opinion and expression

26. On 27 May 2012, the ninth Parliament was sworn in, following two rounds of elections, in which 290 members, including nine women, were elected. In the first round of elections, held on 2 March, 225 candidates won parliamentary seats. A total of 5,395 individuals, including 428 women, had registered as candidates, 3,467 of whom were qualified to run for election. The run-off vote for the remaining 65 seats was held in 33 constituencies across the country on 4 May. Overall, the authorities estimated an increase of 10 per cent in voter turnout compared with the previous parliamentary elections.

27. Serious concerns remain about the vetting of the candidates by the Guardian Council, whose screening process is based on restrictive criteria set out in law and led to the rejection of numerous candidates, including sitting members of Parliament. Irregularities were evident during the vetting process; the Guardian Council disqualified a number of sitting parliamentary candidates for having questioned the President and reinstated them only days before the election, thus virtually paralysing their campaign efforts. In its examination of the third periodic report of the Islamic Republic of Iran, the Human Rights Committee expressed concern about the registration requirements in election campaigns and the Guardian Council's right to reject parliamentary candidates (see CCPR/C/IRN/CO/3, para. 29). Concerns were also reported about the interference by the Revolutionary Guard Corps in the elections. Ali Motahari, a conservative member of Parliament, who was elected during the run-off, accused the Revolutionary Guard Corps of direct

[12] In March 2012, authorities in Isfahan banned Afghan nationals from entering Saffeh Mountain Park to celebrate the New Year festival. Authorities claimed that the ban was aimed at preserving the welfare and security of Iranian citizens and their families.

[13] Authorities state that such bans are imposed to limit the spread of contagious diseases.

interference in the elections by swaying voters at various voting stations to their preferred candidates.

28. Furthermore, the continuous and prolonged house arrest, since February 2011, of the two main opposition leaders, Mir Hossein Mousavi and Mehdi Karoubi, the suspension of licences of reformist political parties[14] prior to the election, and the denial of permission for opposition groups to stage rallies adversely affected political activities. The Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern about peaceful assemblies in the Islamic Republic of Iran that were either not allowed or were violently dispersed (see A/HRC/20/27).

29. The Human Rights Committee expressed concern about the restrictions imposed on freedom of expression and opinion. The Committee noted that many newspapers and magazines, as well as the Journalists Association, had been closed since 2008 and that many journalists, newspaper editors, film-makers and media workers had been arrested and detained since the 2009 presidential elections (see CCPR/C/IRN/CO/3, para. 27). Journalists and media workers continued to be subjected to arrest, detention and interrogation for exercising their right to freedom of opinion and expression, promoting democracy and reporting human rights violations. As at December 2011, at least 40 journalists had reportedly been imprisoned, with several others at risk of arrest.[15] Even journalists working on land and environmental issues faced arbitrary arrest on charges such as espionage (see A/HRC/19/55).

30. In a report to the Human Rights Council, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stressed that the imprisonment of bloggers was a clear example of the criminalization of legitimate expression, pointing out that 13 bloggers had been imprisoned on charges relating to the content of their online expression (see A/HRC/17/27, para. 35). On 16 February 2012, several special procedures mandate holders,[16] in a joint communication, expressed concerns about the arrests, from 28 December 2011 through January 2012, of at least 16 journalists and bloggers mostly affiliated with reformist papers or websites critical of Government policies. For instance, in May 2012, Mahmoud Shokraye, an Iranian cartoonist was sentenced to 25 lashes for depicting an Iranian Member of Parliament in a cartoon. On 25 February, a group of Iranian journalists, in a letter to the Head of the Special Court for the Clergy, requested the release of Mohammad Saed Zakari, one of the directors of a publication in the Islamic Republic of Iran. According to these journalists, Mr. Zakari had been arrested around 20 February at the order of the Special Court for the Clergy for criticizing the performance of a high-profile official. The authorities note that the Constitution of the Islamic Republic of Iran guarantees

[14] In November 2011, the Islamic Iran Participation Front, the Mujahidin of the Islamic Revolution and the Freedom Movement of Iran, all reformist political parties, reportedly had their licences suspended and were banned from running or presenting electoral lists for the 2 March 2012 elections.

[15] See http://cpj.org/reports/2011/12/journalist-imprisonments-jump-worldwide-and-iran-i.php.

[16] Chair-Rapporteurs of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances and Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, the situation of human rights defenders and the situation of human rights in the Islamic Republic of Iran.

freedom of expression and assembly and that the press is free to publish articles except those that disturb Islamic principles or public rights.

31. In March 2012, authorities suspended the press accreditation of the Reuters news agency in the Islamic Republic of Iran for misreporting on women's martial arts. A story entitled "Thousands of female Ninjas train as Iran's assassins" was published in February 2012 and prompted a harsh reaction by the Iranian authorities. Reuters was sued over the story, despite the fact that it had acknowledged its error and reportedly corrected the story on the same day.[17] Authorities also revoked the licence of *Chashmeh* Publications and barred it from the twenty-fifth Tehran International Book Fair for insulting Islamic values.[18] There are also concerns about a series of restrictions imposed on publishing activity, including the suspension of publishing houses' licences and the prevention of publications from exhibiting at the fair. Those banned from the exhibition included *Chashmeh*, *Ahang-e Digar*, *Omaid-e Farda*, *Koyer*, *Teimorzadeh*, *Daftar Sher Jowan*, *Botimar* and the Sunni publications *Seddiqi* and *Farooq-e-A'dham*. Furthermore, on 10 May, the Tehran International Book Fair police reportedly prevented *Aras Kurdistan*, *Hafedh Abru* and *Eilaf* publications from displaying stalls.[19]

32. Pressure on human rights defenders and activists continued. International human rights mechanisms continued to express serious concerns regarding the arrest and subsequent prosecution of human rights defenders for exercising their fundamental rights to freedom of expression and assembly. The Special Rapporteur on the situation of human rights defenders expressed grave concern about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association including the systematic arrest of prominent human rights defenders, particularly lawyers, journalists, student activists and those advocating against the discrimination of women, and about the illegitimate restrictions imposed on the right of human rights defenders to freedom of opinion and expression (see A/HRC/19/55/Add.2 and A/HRC/20/27/Add.3). The Special Rapporteur also expressed concern about the allegations of widespread use of torture and ill treatment against human rights defenders while in detention, detention in unknown locations and incommunicado detention. On 4 May, a number of Special Rapporteurs[20] publicly condemned the arrests and harsh sentencing of human rights defenders.

33. Ms. Nargis Mohammadi, the former Vice-President of the Defenders of Human Rights Centre, founded by Nobel Laureate Shirin Ebadi, was rearrested on 21 April to resume a six-year prison sentence handed down by an Iranian appeal court for "assembly and collusion against national security, membership in the Defenders of Human Rights Centre and propaganda against the system". She was first arrested at her home in Tehran on 10 June 2010 and sentenced to 11 years in prison, which was reduced to 6 years on appeal. Furthermore, the Appeal Court reportedly recently

[17] See www.reuters.com/article/2012/03/29/reuters-iran-idUSL6E8ETB2S20120329.

[18] The twenty-fifth Tehran International Book Fair was held from 2 to 12 May 2012.

[19] See http://english.sunnionline.us/index.php?option=com_content&view=article&id=3329; http://english.sunnionline.us/index.php?option=com_content&view=article&id=3347; and www.guardian.co.uk/world/2012/may/02/tehran-international-book-fair-crackdown.

[20] Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran; the situation of human rights defenders and the independence of judges and lawyers; see www.ohchr.org/EN/Countries/AsiaRegion/Pages/IRIndex.aspx.

upheld a nine-year prison sentence coupled with a 10-year occupational ban for Mohammad Ali Dadkhah, another prominent human rights lawyer and co-founder of the Defenders of Human Rights Centre. He was convicted on charges including "membership in the Defenders of Human Rights Centre" and "spreading propaganda against the system" in 2011. On 31 May, the Iranian authorities confirmed an 18-year prison sentence for Mr. Abdolfattah Soltani, a prominent lawyer and human rights activist, who had been arrested on 10 September 2011. The court also banned him from practising law for 20 years. On 8 January, a Tehran Revolutionary Court found Mr. Soltani guilty of establishing and managing an association that endangered national security, propaganda against the system, unlawful association and conspiracy with the intention of disturbing public security, and acquisition of wealth by illegitimate means. The sentence was reportedly reduced to 13 years on appeal.

34. Concerns also remain about the ongoing imprisonment of a prominent human rights defender, Ms. Nasrin Sotoudeh, and the harassment and intimidation of her family members. Ms. Sotoudeh was arrested on 4 September 2010 and sentenced to six years in prison and a 10-year ban on exercising her profession. Authorities reportedly recently imposed a travel ban on Mr. Reza Khandan, the husband of Ms. Sotoudeh, who has been publicly campaigning for his wife, and on their 12-year-old daughter. Mr. Khandan was previously summoned for questioning by the authorities and charged with spreading lies and disturbing public opinion. The United Nations High Commissioner for Human Rights wrote to the Government on 25 June 2012, expressing concerns about the continuing arrests, convictions and heavy sentencing of lawyers and human rights defenders, including Ms. Sotoudeh, in respect of charges that appear to be linked to their profession. She noted that lawyers and human rights activists make a positive contribution to a democratic and harmonious society and urged the Government to release imprisoned lawyers and human rights defenders along with all persons who have been arrested for peacefully exercising their right to freedom of expression, association and assembly.

35. The Secretary-General welcomes the decision by the Parliament of the Islamic Republic of Iran to further review and amend a proposed new law on the establishment and supervision of non-governmental organizations that had raised serious concerns among many Iranian non-governmental organizations.[21] The initial draft law unduly restricts the independence of civil society organizations and impedes the right to freedom of association and peaceful assembly of a wide range of actors, including human rights defenders, women's rights activists, teachers and trade associations.

36. Workers continue to face restrictions, arrest, conviction and imprisonment for exercising the right to freedom of association by forming independent trade unions. The absence of a legislative framework permitting trade union pluralism and the ensuing ban on trade union activities violate the right to freedom of association. Independent trade unions, including the Workers' Union of the Tehran and Suburbs Bus Company, the Sugar Cane Workers' Union of the Haft Tapeh Sugar Cane Company and the Teachers' Association, are reportedly banned and their leaders subjected to sanctions. Mr. Mansour Osanloo, President of the Workers' Union of the Tehran and Suburbs Bus Company, along with the leaders of the Haft Tapeh Sugar Cane Workers' Union, were subjected to repeated detention for exercising

[21] See Organizations for Defending Victims of Violence, Newsletter "Defenders", Autumn 2011-Winter 2012.

their right to strike.[22] Mr. Reza Shahabi, the Treasurer of the Workers' Union of the Tehran and Suburbs Bus Company, was recently sentenced to six years in prison and a five-year ban on engaging in union activities, on charges of "propaganda against the system and conspiracy against national security". In July 2012, the Appeal Court in Tehran reportedly upheld the sentence. Mr. Shahabi has been in detention since mid-2010. In June 2012, security forces reportedly arrested over 60 persons who were participating in the sixth General Assembly of the Coordinating Committee to Help Form Workers' Organizations. The majority of those arrested were reportedly released, but nine members of the Coordinating Committee allegedly remain in custody. Authorities also turned down a request by labour organizations to observe 1 May as International Workers' Day.

G. Economic, social and cultural rights

37. With a population of 75 million,[23] the Islamic Republic of Iran is an upper middle-income country which has made notable progress in human development. Its human development index value for 2011 was 0.70, placing the country in the high human development category. This represents an increase from a human development index value of 0.493 in 1985 and a total increase of 42 per cent or an average annual increase of about 1.4 per cent.[24] The Islamic Republic of Iran is also on track to achieve most of the Millennium Development Goals, particularly Goals 1 (reducing extreme poverty), 2 (achieving universal education), 4 (reducing child mortality by half) and 5 (reducing maternal mortality by three quarters).

38. The Islamic Republic of Iran has showed greatly improved results in health and education. Access to health care, including reproductive health care, has improved, with increased life expectancy at birth for both men and women; more people have access to safe drinking water; maternal mortality decreased from 150 per 100,000 live births in 1990 to 30 in 2008;[25] the under-five mortality ratio decreased to 21 out of 1,000; the proportion of births attended by skilled health personnel increased to 97.3 per cent; and primary health-care coverage in rural areas stands at more than 98 per cent. The country also has a literacy rate for girls of more than 90 per cent, an overall literacy rate of more than 75 per cent, social security coverage encompassing 30 million people[26] and health insurance schemes covering about 50 per cent of the population.

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[22] See International Labour Organization (ILO) Committee on Freedom of Association, examination of Case No. 2807 (March 2012) and Case No. 2508 (May-June 2011), available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176577.pdf and www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_142021.pdf respectively.

[23] On 25 July 2012, the Government announced that according to the National Population and Housing Census of the Islamic Republic of Iran, the country's population had reached 75,149,669 people, of whom men constitute 50.4 per cent and women 49.6 per cent. See http://www.tehrantimes.com/politics/99936.

[24] See United Nations Development Programme (UNDP), *Human Development Report 2011: Sustainability and Equity: A Better Future for All*. Available from http://hdr.undp.org/en/media/HDR_2011_EN_Complete.pdf.

[25] See World Health Organization (WHO), *Trends in Maternal Mortality: 1990 to 2010: WHO, UNICEF, UNFPA and the World Bank estimates* (Geneva, WHO Press, 2012).

[26] Most of these are formal sector workers whose health insurance is paid by their employers.

39. The Islamic Republic of Iran has also made significant progress in women's education and health. Literacy rates among 15-24-year-old women increased from 96.1 per cent in 2000 to 99.2 per cent in 2008, and the ratio of girls to boys in primary, secondary and tertiary education increased from 79.2 per cent in 1990 to 98 per cent in 2007.[27] Currently, more than half of all university students are women. This progress is reflected in the increased gender development index, which rose from 0.713 in 2004 to 0.770 in 2009. However, according to the *Human Development Report 2011: Sustainability and Equity: A Better Future for All*, the Islamic Republic of Iran ranks 98 out of 187 in gender inequality.

40. Amid such achievements, the country still faces such challenges as unemployment, low labour productivity growth, income inequality, environmental degradation and vulnerability to the impacts of climate change. The unemployment rate for 2010 was 11.9 per cent, with higher rates among young people (22.7 per cent for men, 32.4 per cent for women). The rate for 2011 was put at 12.3 per cent, with some reports suggesting closer to 15 per cent and many more underemployed.[28] The continual rise in inflation, reported at 21.8 per cent as at April 2012, coupled with the implementation of the 2010 Subsidy Reform Act,[29] also caused unemployment to rise because business cannot keep up with increased utility bills, higher prices of materials and such overhead costs as shipping.[30] Although the Government claims to have saved billions of dollars[31] by phasing out subsidies for fuel, electricity and basic goods and replacing them with direct cash subsidies, the costs of fuel and basic services such as utilities have increased four to sevenfold.[32]

41. Furthermore, disparities between urban centres and underdeveloped regions remain visible. For instance, despite noticeable improvement in health, the life expectancy for men and women in some provinces, including Sistan-Baluchistan, Kurdistan, Kohkilooyeh and Booyer Ahmad, and Lorestan, remains lower than in other areas. The human poverty index stands at 8.28 and 10.9 for Tehran and Isfahan provinces respectively, but in Sistan-Baluchistan and Kurdistan, the figures are 38.3 and 22.5. Similarly, primary school enrolment in Sistan-Baluchistan is 76.7 per cent, compared with a national average of 90 per cent. Income inequality stands above 0.4, with significant disparities among provinces, districts, urban centres and rural areas.[33]

42. The sanctions imposed on the Islamic Republic of Iran have had significant effects on the general population, including an escalation in inflation, a rise in commodities and energy costs, an increase in the rate of unemployment and a shortage of necessary items, including medicine.[34] A number of Iranian non-governmental organizations and activists have expressed concerns about the growing impact of sanctions on the population and have noted that inflation, rising

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[27] Data from the Statistical Centre of Iran.

[28] See http://tehrantimes.com/economy-and-business/97791.

[29] The Subsidy Reform Act enacted in 2010 in response to sanctions allows the Government to issue cash payouts ($40 per month) to middle- and lower-class families to offset the higher prices of unsubsidized goods.

[30] See www.mehrnews.com/en/newsdetail.aspx?NewsID=1568178 and www.tehrantimes.com/politics/96518.

[31] See www3.mehrnews.com/en/newsdetail.aspx?NewsID=1390534.

[32] See www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96&submit=go.

[33] Various household income and expenditure surveys show the extensive differences.

[34] See www.tehrantimes.com/politics/99025.

prices of commodities, subsidy cuts and sanctions are compounding each other and having far-reaching effects on the general population. They report, for instance, that people do not have access to lifesaving medicines. Furthermore, since the sanctions extend to banking transactions, many foreign banks have stopped doing business with the Islamic Republic of Iran altogether, which has made it considerably difficult for Iranians to transfer funds and for private business to obtain lines of credit.[35]

43. The sanctions also appear to be affecting humanitarian operations in the country. Even companies that have obtained the requisite licence to import food and medicine are facing difficulties in finding third-country banks to process the transactions. Owing to payment problems, several medical companies[36] have stopped exporting medicines to the Islamic Republic of Iran, leading to a reported shortage of drugs used in the treatment of various illnesses, including cancer, heart and respiratory conditions, thalassemia and multiple sclerosis.[37]

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

44. The Islamic Republic of Iran has ratified five core international human rights treaties[38] and is a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

45. The Human Rights Committee considered the third periodic report of the Islamic Republic of Iran (CCPR/C/IRN/3) on 17 and 18 October 2011, the State party's first report submitted to the Committee in 18 years. In its concluding observations (CCPR/C/IRN/CO/3), the Committee welcomed the opportunity to renew its constructive dialogue with the Islamic Republic of Iran and noted various positive developments, such as the signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, its accession to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the ratification of the Convention on the Rights of the Child. However, the Committee expressed concern about the inequality of women with regard to marriage, family and inheritance; the harassment, persecution and cruel punishment, including the death penalty, faced by members of the lesbian, gay, bisexual and transgender community; the extremely high and

[35] See http://irdiplomacy.ir/en/news/27/bodyView/1897602/ The.Consequences.of.Sanctions.on.Iran%E2%80%99s.Central.Bank.html.

[36] United States firms, including major drug-makers such as Merck & Co. and American Pulp & Paper Corporation have reported problems in getting paid for medicines and other humanitarian exports allowed by the United States Treasury. See www.reuters.com/article/2012/03/20/us-iran-usa-sanctions-idusbre82j05n20120320.

[37] See www.payvand.com/news/12/may/1062.html and www.reuters.com/article/2012/02/05/us-iran-mood-idUSTRE8140AD20120205.

[38] International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Firms of Racial Discrimination and Convention on the Rights of Persons with Disabilities.

increasing number of death sentences; the execution of minors; the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities; the frequent violations of fair trial guarantees; and the discrimination faced by minority groups. The Committee encouraged the Islamic Republic of Iran to ensure that all obligations under the International Covenant on Civil and Political Rights are fully respected and that Iranian legislation and practices are brought into line with its provisions.

B. Cooperation with special procedures

46. There have been no visits by special procedures mandate holders since 2005, despite a standing invitation issued to all thematic mandate holders in 2002. The Government has agreed in principle to a number of visits by special procedures, including the Working Group on Enforced or Involuntary Disappearances,[39] the Special Rapporteur on extrajudicial, summary or arbitrary executions[40] and the Special Rapporteur on freedom of religion or belief.[41] To date, however, these visits have not been scheduled. Requests for country visits by other mandate holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, remain outstanding. The authorities reconfirmed to OHCHR their plan to invite two mandate holders to visit in 2012, although these invitations have not yet materialized.

47. Since his appointment in August 2011, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has appealed to the Government to extend its full cooperation and enable the fulfilment of his mandate. His requests for a country visit have yet to receive a positive response. In a positive move, the Permanent Missions of the Islamic Republic of Iran to New York and Geneva received the Special Rapporteur for a meeting and assured him of their cooperation. The Special Rapporteur presented his first report to the Human Rights Council at its nineteenth session (A/HRC/19/66) on 12 March 2012. On that occasion, he expressed regret concerning the unwillingness of the Iranian authorities to cooperate substantively with international human rights mechanisms and with the country mandate holder in particular. He also expressed his deep concern about the deteriorating situation of human rights in the country. The Iranian authorities argued that the Special Rapporteur had repeated baseless allegations and had ignored the positive aspects of human rights development in Iran.

48. In 2011, special procedures mandate holders sent a total of 17 communications to the Islamic Republic of Iran; the Iranian authorities responded to only one.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

49. In February 2010, the Islamic Republic of Iran officially invited the United Nations High Commissioner for Human Rights to visit the country. The High

[39] A visit scheduled for July 2004 was postponed. Follow-up reminders were sent in 2008, 2009 and 2010.

[40] An initial request sent in November 2004 was followed by requests in February 2005, October 2005, November 2006, December 2008 and September 2010.

[41] Visits were agreed to in principle in November 2003. Several follow-up requests and reminders were sent thereafter.

Commissioner accepted the invitation but requested that a working-level mission be allowed to visit the country to prepare for her visit. The Government accordingly invited a working-level OHCHR delegation to visit from 19 to 22 December 2011.

50. The OHCHR delegation held meetings with senior Government officials, members of the judiciary, Members of Parliament, the Non-Aligned Movement Centre for Human Rights and Cultural Diversity, the United Nations country team and diplomatic missions. Requests made before and during the visit for meetings with opposition figures under house arrest, access to other prisoners of concern and a meeting with a range of independent civil society representatives were declined. The delegation sought to raise individual cases of concern and offered technical assistance in relation to key legislation, such as the revised Islamic Penal Code, the Code of Criminal Procedures, juvenile justice laws and a proposed new law on the establishment and supervision of non-governmental organizations. Following the discussions, both sides agreed that a visit by the High Commissioner would require more in-depth preparations and outreach to different actors.

IV. Conclusions and recommendations

51. **The Secretary-General is deeply troubled by reports of the increasing number of executions, including in public; continuing amputations and flogging; arbitrary arrest and detention, unfair trials, torture and ill treatment; and the severe restrictions targeting media professionals, human rights defenders, lawyers and opposition activists. The Secretary-General regrets reports of restrictions in the enjoyment of human rights imposed on non-nationals, notably refugees, including in the areas of education and freedom of movement. He again encourages the Government to address the concerns highlighted in the present report and the specific calls for action contained in General Assembly resolutions and recommendations of various human rights mechanisms, including the universal periodic review process.**

52. **Noting the positive achievements of the Islamic Republic of Iran against many economic and social indicators, the Secretary-General encourages the Government to continue addressing regional disparities in the enjoyment of economic and social rights, and discrimination against women and members of certain minorities.**

53. **The Secretary-General notes and is encouraged that the authorities have taken certain positive steps such as the decision to omit stoning as a method of execution and to limit the application of the death penalty for juvenile offenders in its recent Penal Code reform. However, the Secretary-General expresses concern that the new Islamic Penal Code fails to abolish the execution of juvenile offenders and has not raised the age of criminal liability of children. The Secretary-General strongly encourages the Government to further revise the Islamic Penal Code and juvenile justice laws to ensure compliance with international human rights standards and to end punishments that are prohibited under international law. In the meantime, the Secretary-General calls upon the Islamic Republic of Iran to institute a moratorium on the death penalty.**

54. **The Secretary-General welcomes the recent efforts made by the Islamic Republic of Iran to report to human rights treaty bodies. He encourages the**

country to implement the concluding observations of the Human Rights Committee. The Secretary-General calls upon the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

55. **The Secretary-General welcomes the expressed intention of the Islamic Republic of Iran to invite two special procedures mandate holders for a visit in 2012 and hopes that these invitations will be expedited. He regrets that despite requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not yet been admitted to the country. The Secretary-General encourages the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country at the earliest opportunity.**

56. **The Secretary-General welcomes the cooperation extended by the Government of the Islamic Republic of Iran to OHCHR, including through the invitation of a working-level visit. The Secretary-General encourages the Government to strengthen cooperation with OHCHR and other relevant United Nations agencies, programmes and funds, as well as with civil society, with a view to enhancing the promotion and protection of human rights in the Islamic Republic of Iran.**

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Item 68 (a) of the provisional agenda*
Elimination of racism, racial discrimination, xenophobia and related intolerance

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report prepared by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, on the implementation of General Assembly resolution 66/143.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 66/143

Summary

The present report to the General Assembly is submitted pursuant to Assembly resolution 66/143 on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in which the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is requested to prepare a report on the implementation of the resolution, based on the views collected from Governments and non-governmental organizations.

Following a brief introduction on the content of resolution 66/143, the Special Rapporteur summarizes the contributions sent by 17 States on the implementation of the resolution, as well as views sent by seven non-governmental and other organizations and the Office of the United Nations High Commissioner for Refugees pertaining to the issue raised in the resolution. The Special Rapporteur then puts forward a number of conclusions and recommendations.

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I. Introduction

1. In its resolution 66/143, the General Assembly, alarmed at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements, noted with concern, in paragraph 6, the increase in the number of racist incidents in several countries and the rise of skinhead groups, which had been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or linguistic minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/HRC/20/38 and A/66/312).

2. In paragraph 7 of the resolution, the Assembly reaffirmed that such acts might qualify to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and that they might represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

3. In paragraph 9, the Assembly stressed that such practices fuelled contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contributed to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and emphasized, in paragraph 10, the need to take the measures necessary to put an end to those practices.

4. In the context of the foregoing, the Assembly, in paragraph 23, recalled the request of the Commission on Human Rights in its resolution 2005/5 that the Special Rapporteur continue to reflect on the issue, make relevant recommendations in his future reports and seek and take into account in that regard the views of Governments and non-governmental organizations. In paragraph 24, it requested the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-seventh session and to the Human Rights Council at its twentieth session, reports on the implementation of the resolution based on the views collected in accordance with the request of the Commission.

5. In accordance with the practice established in previous reports, the present report summarizes information received on relevant activities undertaken by Member States pursuant to resolution 66/143. In preparing the report, the Office of the United Nations High Commissioner for Human Rights sent a note verbale on 12 April 2012 to Member States and a letter to non-governmental organizations requesting information on the implementation of the resolution, to be received by 24 May 2012. As at 13 August 2012, replies had been received from the following 17 Member States: Argentina, Armenia, Azerbaijan, Cyprus, Greece, Iraq, Jordan, Lebanon, Madagascar, Mexico, Paraguay, Philippines, Portugal, Russian Federation, Slovakia, Spain and Venezuela (Bolivarian Republic of). As at 24 May 2012, the Special Rapporteur had received contributions from Adalah: Legal Center for Arab Minority Rights in Israel, and the BADIL Resource Center for Palestinian Residency and Refugee Rights, non-governmental organizations (NGOs) in consultative status

with the Economic and Social Council, Amis des étrangers au Togo, the Lithuania without Nazism Association, Native American individuals and organizations, the British Irish Rights Watch and the Association of Human Rights in Kurdistan of Iran.

6. The Office of the United Nations High Commissioner for Refugees (UNHCR) also submitted a contribution. The information received is summarized in the present report; the original texts of the contributions are available for consultation at the Office of the United Nations High Commissioner for Human Rights.

II. Contributions received from Member States

Argentina

7. In its reply, the Government of Argentina noted that the International Convention on the Elimination of All Forms of Racial Discrimination had been incorporated into Argentine law and granted constitutional rank through Act No. 26.162. The competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation by the State of any of the rights set forth in the Convention (art. 14, para. 1) is recognized under article 1 of Act No. 17.722 of 26 April 1968.

8. Article 2 of the Act provides that, in accordance with article 14, paragraphs 2 and 3, of the Convention, the National Institute to Combat Discrimination, Xenophobia and Racism is designated as the body competent under national law to receive and consider the communications referred to in article 1 of the Act. Since its establishment, the National Institute to Combat Discrimination, Xenophobia and Racism has carried out activities to raise the profile of historically vulnerable groups and raise awareness within society about non-discrimination and respect for diversity. In the past year it has conducted numerous activities to promote the recognition of different cultures in Argentina and has developed various training and reference materials. The Education Department of the Institute designs and implements positive actions to encourage respect for human rights. The Institute's Coordinating Body for Civil Society Networks provides forums for civil society and non-governmental organizations to participate and be consulted on issues concerning discrimination, xenophobia and racism. The Intercultural Department of the Institute has established an interreligious project to promote dialogue among members of different religious faiths through collaborative efforts to create training and awareness-raising materials. The Institute has also established the Observatory on Discrimination in Radio and Television and the Observatory on Discrimination in Football to monitor and analyse manifestations of discrimination within those specific domains.

9. Act No. 23.592 establishes an aggravating circumstance for offences committed on grounds of persecution or hatred based on race, religion or nationality, or for the purpose of completely or partially annihilating a national, ethnic, racial or religious group. Argentina has also established a National Plan against Discrimination on the basis of the Durban Declaration and Programme of Action.

Armenia

10. In its reply, the Government of Armenia indicated that according to the Criminal Code of the Republic of Armenia, actions aimed at incitement of national, racial or religious hostility or racial superiority constituted crimes. The following acts are the aggravating circumstances of such crimes: commission by using mass media; threat of use of violence; use of official position; as well as commission by an organized group. According to article 21 of the Law on Non-governmental Organizations, a State-authorized body may file a claim with the court requesting the dissolution of an organization if its activities are aimed at inciting national, racial or religious hatred or stirring up violence or war.

11. The commission of a criminal offence on the basis of national, racial or religious hatred or religious fanaticism is an aggravating circumstance entailing criminal liability in general.

Azerbaijan

12. In its reply, the Government of Azerbaijan stressed that the Ministry of Internal Affairs implemented all the necessary measures to combat discrimination and xenophobia in accordance with the Constitution and other legislative acts. It referred to the 2007 National Security Conception of Azerbaijan, which contains crucial provisions on safeguarding national and religious tolerance.

13. In line with the National Action Plan for the Protection of Human Rights, awareness-raising activities were undertaken for the strengthening of intercultural dialogue and interfaith cooperation; the protection and further development of the cultural heritage of ethnic minorities; the prohibition of discrimination; and the promotion of a culture of peace and tolerance in the districts and regions of the country. Awareness-raising measures are also implemented in the field of religious tolerance.

14. Activities that promote and incite racial and religious discrimination are prohibited. The State Committee on Work with Religious Organizations prevents the import and spread of harmful literature that serves to provoke confrontation among religions and confessions and to spread religious extremism and inhuman ideas.

15. The Government referred to the 2011 European Union-Azerbaijan intercultural dialogue held at the European Parliament in Brussels and the 2011 World Forum on Intercultural Dialogue held in Baku. The Government indicated that it attached particular importance to human rights education and that the Ministry of Education regularly organized events to strengthen respect for people of different cultures, ethnicities and religions. The Ministry of Education provides opportunities for studying the languages, history and cultures of ethnic minorities. Members of national minorities are allowed to study in their native languages in schools.

16. Newspapers and magazines are published in the languages of national minorities and the public radio station regularly broadcasts programmes in national minority languages. Furthermore, regional television stations have programmes in native languages of the minority groups.

17. Azerbaijan has adhered to the Convention on the Promotion and Protection of the Diversity of Cultural Expressions of the United Nations Educational, Scientific

and Cultural Organization. An action plan has been prepared and several events organized including the publication of booklets and brochures reflecting the cultural diversity of the country and the organization of exhibitions, concerts, competitions and other similar events.

Cyprus

18. In its reply, the Government of Cyprus indicated that the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law criminalized public incitement to violence or hatred directed against a group of persons or a member of such a group on the basis of race, colour, religion, descent, or national or ethnic origin, and public condoning, denying or trivializing crimes of genocide, crimes against humanity and war crimes. The Law also states that racist and xenophobic motivation for any offence constitutes an aggravating circumstance.

19. Law 13/67, which ratified the International Convention on the Elimination of All Forms of Racial Discrimination, was amended in order to create several criminal offences relating to racism and to ensure that the element of intention is no longer part of the offence of incitement to acts of discrimination.

20. Section 2A (1) and (2) of the Law provides that any person who in public, either orally or through the press or by means of any document or picture or by any other means, incites acts that are likely to cause discrimination, hatred or violence against any person or group or group of persons on the basis of their racial or ethnic origin or religion is guilty of an offence and liable to imprisonment or to a fine; any person who establishes or participates in any organization which promotes organized propaganda or activities of any kind aiming at racial discrimination is guilty of an offence and is liable to the same punishments. Section 2A (3) of the Law provides that any person who in public, either orally or through the press or by means of any documents or pictures or by any other means, expresses ideas insulting any person or group of persons by reason of their racial or ethnic origin or religion is guilty of an offence and liable to imprisonment or a fine.

21. Cyprus has ratified the Convention on the Prevention and Punishment of the Crime of Genocide, Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems of the Council of Europe.

22. Legal aid is granted in proceedings before the courts under certain conditions to refugees and asylum seekers and in the context of the return of irregularly staying third-country nationals.

23. The Human Rights Office, established in 2000, operates under the European Union and International Police Cooperation Directorate at police headquarters. It is actively involved in promoting the rights of people in police custody, especially non-national detainees, and is responsible for monitoring the living conditions in police detention centres and preparing reports with suggestions to the Chief of Police for harmonization with international standards. The Office organizes human rights and policing seminars and training at the police academy.

24. In 2005 the Cyprus Police established the Office for Combating Discrimination. The Office is responsible for issues relating to discrimination,

racism and xenophobia, posting liaison officers at all police divisions. It cooperates with other departments of the police as well as with other governmental and non-governmental organizations and registers criminal offences with a racist motive through the electronic Crime Report Registry. Offences are categorized on the basis of the type of motive, including ethnicity, religion and colour, and the Registry is updated twice a year.

25. Ethnic liaison officers at every divisional police headquarters are appointed to liaise with local leaders or members of ethnic communities and to focus on issues of race and ethnicity. They cooperate with the Office for Combating Discrimination in handling racially motivated offences and incidents. The police organize, in cooperation with associations and the leadership of various ethnic communities, public social events to build mutual understanding and respect between the police and these communities. Reference was made, inter alia, to the implementation of the Community Action Programme to Combat Discrimination.

26. Human rights issues are included in the curricula for all police officers and human rights courses are reinforced through the participation of professionals with an academic background or with experience in the area of human rights. Training of the police on issues of discrimination focuses on harmonizing mentality with the new multicultural environment of Cypriot society. Much emphasis is put on building and maintaining a positive approach by members of the police towards all individuals, regardless of their culture, customs, religion and origin. Members of the police also participate in seminars relating to human rights, discrimination and racism organized abroad.

Greece

27. In its reply the Government of Greece indicated that the Greek regulatory framework on racial discrimination contained protective and restrictive provisions covering all aspects of the recognition, enjoyment and exercise of human rights and fundamental freedoms, irrespective of race and ethnic origin. The Constitution establishes fundamental principles and provides for the basic constitutional rights with the aim of protecting foreigners and other persons who could be subjected to racial assault, and securing respect for life, freedom and dignity. Article 5 of the Constitution provides that everyone on Greek territory enjoys absolute protection of his or her life, dignity and freedom, with no discrimination based on nationality, race, language or religious or political belief.

28. Law 927/1979, as supplemented by Law 1419/1984, prohibits and punishes discrimination based on race, ethnic origin and religious belief. In particular, three kinds of offences are described and criminalized: incitement to acts that might result in acts of discrimination, hatred or violence against individuals or a group of persons, owing to their racial or national origin or to their religion; the establishment of or participation in organizations with the purpose of conducting discriminatory activities or propaganda; and the official expression of ideas insulting persons or groups of people on the basis of their racial or ethnic origin. The aforementioned crimes are prosecuted ex officio. According to Law 3719/2008, the commission of such an offence motivated by ethnic, racial or religious hatred constitutes an aggravating circumstance.

29. Law 3304/2005 constitutes the general regulatory framework for combating discrimination in employment and the implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disabilities or sexual orientation. The law establishes bodies to promote the principle of equal treatment, including the Ombudsperson, who examines complaints of alleged violations by civil servants; the Labour Inspectorate; and the Committee of Equal Treatment, responsible for complaints of violations by natural persons and which is supported by the Service of Equal Treatment under the Ministry of Justice, Transparency and Human Rights.

30. The Government referred to the new draft law for the integration into the Greek legal order of Framework Decision 2008/913/JHA for addressing certain forms and manifestations of racism and xenophobia through the criminal law. The law includes provision for the prosecution of racist and intolerance offences; the administrative liability of legal entities that are involved in any form or manifestation of racism or intolerance; and the expansion of the grounds of discrimination to include sexual orientation. Greece has signed the Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. A draft law has been evaluated by a special legislative committee and transmitted to the Minister of Justice for submission to parliament for final adoption.

31. Law 3386/05 on the entry, residence and social integration of third-country nationals in the Hellenic territory provides for transparent procedures relating to the entry of migrants and the renewal of their residence permits, and ensures that migrants can exercise their rights. Law 3852/2010 provides for the establishment of Migrant Integration Councils in municipalities.

32. The Government has drafted a National Strategy for the Integration of Third-Country Nationals following an extensive process of consultation between governmental and non-governmental agencies. The Government also referred to the programmes and actions implemented annually under the European Integration Fund for Third-Country Nationals aimed at the smooth local integration of migrant populations.

Iraq

33. In its reply, the Government of Iraq stated that the practices mentioned in General Assembly resolution 66/143 were a fundamental cause of broken community ties and strife and turmoil among the citizens of one country or among different countries. Such practices poison young minds with racist ideas based on violence and xenophobia, meaning that members of national, ethnic, religious and linguistic minorities are liable to be targeted, which in turn poses a threat to the overall state of peace.

34. The necessary actions must be taken by States to end such racist practices through a series of measures, including enacting laws and statutes to criminalize the practices and establishing punishments to deter them; promoting the role of governmental and non-governmental organizations in fostering a culture of tolerance among minorities and strengthening ties of peaceful coexistence and acceptance of others; and launching initiatives aimed at bringing cultures closer together and reconciling the views of different communities through dialogues and

meetings, including workshops and training courses for civil servants, media personnel and persons active in civil society.

35. The Government underlined the importance of optimizing the use of the Internet in order to avoid electronic sites that seek to promote racist ideas, xenophobia and racial discrimination, and the importance of taking steps to limit their presence by fostering a culture of peace, coexistence and tolerance on the World Wide Web.

36. The Government provided information about the measures it had adopted to curb these practices and highlighted the provisions of the Iraqi Constitution, which is the supreme instrument in terms of respect for human rights and the principle of equality and non-discrimination. The Constitution prohibits entities that advocate religious hatred and incite discrimination, aggression or violence. The Constitution also guarantees a number of rights and freedoms including the right to the freedom of expression, assembly and peaceful demonstration; the right to form and join associations and political parties; the right to freedom of thought, conscience and belief; and the right to freedom of worship. Efforts are being undertaken to ensure full respect for and protection of religious places, sites, shrines and symbols, and additional measures are being taken to protect holy sites against desecration and attack. The Constitution also guarantees to the children of minorities an education in their mother tongue, both in Government and private educational institutions.

37. Since its establishment, the Ministry of Human Rights has endeavoured to eliminate racist practices, racial discrimination and xenophobia through the organization by the National Human Rights Centre of workshops, training courses and seminars and through the incorporation of human rights principles and the culture of tolerance into the academic curricula at all levels.

Jordan

38. In its reply, the Government of Jordan indicated that article 6 (1) of the Constitution provides that all Jordanians are equal before the law and that they have the same rights and duties, without discrimination on the grounds of race, language or religion. Pursuant to Act No. 26 of 2010, amending the Labour Code, workers are no longer required to be Jordanian citizens in order to join trade unions. The Interim House of Deputies Election Act No. 9 of 2010 provides that speeches, statements, declarations and electoral publicity shall exclude all material that, directly or indirectly, causes damage to any candidate or stirs up sectarian, tribal, regional, provincial or racial strife among citizens.

39. Any act of violence or incitement against a person or group on the grounds of race, colour, descent or national or racial origin is an offence punishable by the law. In order to declare illegal and prohibit organizations and all propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations and activities as an offence punishable by law, article 151 of the Criminal Code states that the same penalties (imprisonment for a term of six months to three years and a fine of up to 50 dinars) applies to all those who belong to an association founded for the purpose mentioned in article 151 of the Code. The minimum term of imprisonment is raised to one year and the fine increased by 10 dinars if the culprit has an official function in such an association. In any event, the association will be dissolved and its assets seized.

40. Laws and regulations are in place to provide further protection for Jordanian and non-Jordanian workers. The provisions of the Labour Code apply to all workers, irrespective of their sex, nationality, race, colour or religion.

41. The Government highlighted the role of the Directorate of Public Security in combating racial discrimination. In compliance with the obligations laid down in the International Convention on the Elimination of All Forms of Racial Discrimination, the Directorate of Public Security can repress any action that is likely to encourage racial discrimination. On the basis of the policy of calling for balance, the Directorate of General Security seeks to apply the above concepts, including by adopting punitive and administrative policing measures to prevent the emergence of extremist groups that advocate violence based on racism and xenophobia; training and certifying those employed in the public security apparatus to gather information about extremist groups and transmit it to the competent judicial authorities; continuing to study the King's Amman Message of 2004 and disseminate its principles; taking action to prevent the growth of ideas that are likely to incite hatred or discrimination; adopting stringent measures to counter any incitement to discrimination; adopting measures to ensure equal opportunities of recourse for all to the police and the judiciary; and recruiting members of local communities in different regions, regardless of their roots.

42. The Directorate of General Security has established a Human Rights Office competent to deal with and examine complaints of human rights violations in general and take any necessary legal steps. The Office runs training courses for members of the Directorate in various areas of human rights, including the fight against racial discrimination.

Lebanon

43. In its reply, the Government of Lebanon stated that practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance were non-existent in Lebanon and were to be found in other countries. Tackling such practices demands concerted efforts by all States Members of the United Nations to address the causes of such practices and establish cooperation in that regard.

44. The Government provided information about the activities of the Internal Security Forces. The territorial divisions of this unit carry out the necessary measures and investigations with respect to all complaints received directly by them or referred to them by the competent public prosecution offices in accordance with the applicable laws, without distinction as to whether the complainant or the person against whom the complaint is made is a foreign national. They perform their judicial functions on the basis of the laws, directives and instructions pursuant to which investigators are bound to respect human rights. The Directorate General of Public Security implements the decisions of the executive branch and, within the framework of its powers, investigates any groups or individuals constituting a potential threat to security and stability, including organizations or activities based on racist premises.

Madagascar

45. Law No. 68021 of 17 December 1968 incorporated the International Convention on the Elimination of All Forms of Racial Discrimination into the national legislation of Madagascar. The principles of equality and non-discrimination, including on the basis of sex, origin and race, are prescribed in article 6.3 of the Constitution. The law sanctions acts of defamation that lead to discrimination, hatred or violence against a person on the basis of his or her origin, colour, sex, race or religion, and the Labour Code contains provisions regarding respect for the dignity of the person. The Criminal Code sanctions limitations imposed on the exercise of a right based, inter alia, on a person's colour, sex, origin, ethnicity, race or religion. National human rights institutions, including the National Commission for Human Rights and the National Committee for the Fight against Racial Discrimination, have been established and require the participation of the relevant ministerial departments, members of civil society and non-governmental organizations.

46. All the relevant ministries will be consulted and civil society organizations involved in the elaboration of the necessary laws. A draft law is to be submitted to the Committee for Legislative Reforms within the Ministry of Justice. In order to implement the General Assembly resolution, the following acts would be considered to be offences: the dissemination or propagation of ideas based on racial superiority; acts of violence and incitement to racial discrimination; any gross and flagrant violation of or limitation on freedom of opinion and expression and freedom of association and assembly; and defamation of a race or ethnic group. The Government referred to the implementation of several programmes, including training and educational measures on human rights, racism and racial discrimination; measures for the improvement of the situation of certain ethnic groups or individuals who need further protection in the enjoyment of their freedoms; awareness-raising activities carried out by civil servants in partnership with members of civil society; measures targeting the media, including with regard to the dissemination of or propaganda for ideas of racial superiority; as well as training on the elimination of racial discrimination provided in national educational programmes for the media, law enforcement agents, the judiciary and civil servants.

Mexico

47. In its reply, the Government of Mexico highlighted the constitutional amendments and legislative reforms undertaken and the institutions and policies set up to end discrimination. The law prohibits racial discrimination and xenophobia and, since April 2012, the Law to Prevent and Eliminate Discrimination has included racial segregation and other forms of intolerance. At the local level, 12 states have made discrimination a felony, in accordance with article 1 of the Federal Constitution.

48. The National Programme to Prevent and Eliminate Discrimination was published on 16 April 2012. It aims at guiding public policies to generate data, statistics, research and knowledge on the issue of discrimination; promoting the principle of non-discrimination in the public service and within the states; creating a culture of non-discrimination in society; and taking specific measures to ensure equal opportunities. In 2011 the Government, through its National Council to

Prevent Discrimination, published a guide to help the public sector design public policies to prevent discrimination against Afro-descendant communities and ensure their inclusion.

49. An awareness-raising campaign on racism aimed at the general public, in particular children between the ages of 3 and 9 years, was implemented in 2011. A handbook that contains basic concepts and guidelines on discrimination was published in 2011 in order to raise awareness among journalists about discriminatory articles and news coverage.

50. The Mexican Refugee Law includes the principle of non-discrimination and mandates the Ministry of the Interior to take all necessary measures to prevent discrimination against refugees. The Immigration Law also includes respect for human rights and non-discrimination as guiding principles of the country's immigration policy, including for irregular migrants. Awareness-raising and educational materials to inform migrants and refugees about their rights and legal avenues of recourse in case of violations were developed in collaboration with non-governmental organizations working with migrants and refugees. Refugee Week has been celebrated every year since 2007. Measures to facilitate the integration of refugees and assist them in accessing public services, including education and health services, were mentioned, as were capacity-building measures for civil servants, including immigration officers, on the rights of refugees.

Paraguay

51. The Government of Paraguay indicated that the National Secretariat for Culture was one of the key departments for the implementation of policies designed to combat discrimination, racism and xenophobia. It promotes inclusion, non-discrimination and support for diversity among different cultural groups and the general public. Issues of equality and non-discrimination are also addressed by the executive through a coordinated human rights network that includes various ministries and secretariats. Reference was made in this regard to the proposal for a national human rights plan in strategic area I (transformation of structural human rights inequality), which was launched recently.

52. Paraguay has no specific legislation concerning the protection of persons against discrimination, racism and xenophobia, although article 46 of the Constitution addresses the fundamental right not to be discriminated against. An anti-discrimination bill has been before parliament for some time aimed at increasing protection against discrimination on various grounds, as well as against racism, xenophobia and related forms of intolerance.

Philippines

53. The Government of the Philippines stressed that the growing population of migrants all over the world was increasingly exposed to acts and expressions of racism, discrimination, xenophobia and intolerance, and that the protection of migrant workers continued to be a priority. The welfare of migrant workers is ensured through a firm policy and framework of laws, rules and regulations and programmes that cover the entire process of migration from predeployment to return to reintegration. The increased number of ratifications of the International

Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, which guarantees non-discrimination, protection against violence, threats and intimidation and respect for cultural identity, should be among the priority recommendations of the Special Rapporteur.

Portugal

54. The Government of Portugal indicated that the principle of equality was enshrined in article 13 of the Constitution. Law No. 18/2004 lays down a framework for combating discrimination on the grounds of racial or ethnic origin. Under the Criminal Code, whoever founds or establishes an organization or develops activities of organized propaganda that incites or encourages discrimination, hate or violence against a person or a group of persons on the grounds of their race, takes part in such an organization or in its activities or gives support thereto shall be punished by a prison term of one to eight years. Furthermore, racial motivation is considered an aggravating circumstance allowing for more severe penalties in cases of homicide and offences against physical integrity. Administrative complaints of racial discrimination can be made by anyone against any public authority, service or individual to the Commission for Equality and against Racial Discrimination. The Ombudsman is also competent to hear complaints regarding racist acts and discrimination on the part of public authorities.

55. Addressing the phenomenon of neo-Nazism or neo-fascism requires a global approach. Article 46, paragraph 4, of the Constitution prohibits the establishment of associations or organizations that are racist or display a fascist ideology; extreme right-wing parties propagating racist attitudes and xenophobia did not gain significant electoral results in Portugal, nor has an anti-immigrant sentiment developed in public opinion. In order to implement its policies, Portugal has established a public institute that, among other competencies, is responsible for combating racism, promoting the integration of immigrants and Roma communities and promoting intercultural dialogue.

56. The National Criminal Police Unit against Terrorism regularly monitors websites, web chat rooms and other forums associated with or linked to violent extreme right-wing groups, such as those connected with Portuguese Hammerskins. The National Republican Guard and the Public Security Police carry out preventive and repressive actions including during public demonstrations by extremist movements and among groups of supporters of sports teams. The website of the Commission for Equality and against Racial Discrimination has a special tool called "Racism on the Internet" providing users with a link to a national project called "Safe Internet", where citizens can file a complaint against a blog or website that has racist content.

Russian Federation

57. The Government of the Russian Federation affirmed that particular attention was paid to the elimination of various manifestations of racism based on Nazi ideology, especially among the youth. Reference was made to the 2011 project on the implementation of measures for systematic collaboration between State authorities, civil society organizations and educational institutions in the prevention

of extremism among the youth. Public debates were held to discuss this problem, and Internet resources regarding the issues of prevention of extremism and respect for different cultures and traditions regardless of nationality were created.

58. New federal education standards were developed between 2009 and 2011 and, in order to promote mutual understanding and tolerance in education, the issue of the Holocaust has been included in school curricula and the State's educational standards. In the second half of 2012, institutions under the Ministry of Education and Science plan to hold a number of international meetings, seminars and academic and student conferences devoted to the history of the Russian Federation, including the dramatic events of the Second World War.

59. The Ministry of Education and Science and other relevant ministries have launched a new course on religious cultures and secular ethics with the participation of key religious organizations and scientific and educational institutions. The course aims, inter alia, to sensitize young children and develop their ability to communicate in a multi-ethnic and multi-confessional environment, based on mutual respect and dialogue.

60. Information was provided about the model law on the inadmissibility of actions aimed at the rehabilitation of Nazism and the glorification of Nazi criminals and their accomplices adopted by the Inter-Parliamentary Assembly of the Commonwealth of Independent States on 17 May 2012. The Law refers to principles and norms of international law, including the Charter of the United Nations, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the International Convention on the Elimination of All Forms of Racial Discrimination. The Law prohibits, inter alia, the dissemination of Nazi materials by the mass media; the use of images representing Nazi criminals and their accomplices in advertisements; the use of Nazi symbols and the dissemination of Nazi materials during public events; the establishment of public and religious associations and other organizations whose objective and activities display signs of the rehabilitation of Nazism; glorification of Nazi criminals and their accomplices; and the use of the Internet to disseminate Nazi materials. The Law also provides for measures to prevent and monitor such phenomena, with the aim of detecting and eliminating the conditions conducive to the rehabilitation of Nazism. These include the examination of materials and documents containing signs of rehabilitation of Nazism and glorification of Nazi criminals and their accomplices that are carried out by the relevant States organs, and parliamentary monitoring of the observance of the law.

Slovakia

61. The Government of Slovakia indicated that discrimination was prohibited on the grounds, inter alia, of colour, language, national origin or gender. In accordance with section 10, paragraph 1, of the Act on the Right of Assembly, the relevant municipality may prohibit the holding of an assembly whose purpose is to call for the denial or limitation of the rights of citizens because of their nationality, sex, race, origin, political or other views, religion or social status, or to incite hatred and intolerance based on those grounds.

62. The Act on the Association of Citizens forbids associations whose objective is to deny or limit the rights of citizens because of their nationality, sex, race, origin, religion, social status, political or other views, or to incite hatred and intolerance for those reasons. The Criminal Code includes offences regarding extremism, including the manufacture, dissemination and possession of extremist materials and incitement to national, racial or ethnic hatred. A generally applicable aggravating circumstance is enshrined in the Criminal Code for offences committed with a specific motivation, including offences committed with the intention of publicly inciting to violence or hatred against a group of persons or an individual because of, inter alia, his or her race, nationality, ethnic group or religion.

63. The Government has adopted a strategy for the fight against extremism for the years 2011-2014. The purpose of the strategy is to eliminate the causes, manifestations and consequences of extremism and racially motivated crimes. Human rights are included in the training programmes of police academies. The breach of the principle of equal treatment by a police officer is considered a breach of service duties. The competent authority for the criminal investigation of police officers is the Office of the Inspection Service of the Ministry of the Interior.

64. A conference on extremism was organized in 2011 by the Department of Extremism and Spectator Violence of the Office of the Criminal Police of the Presidium of the Police Force, and a virtual conference entitled "Extremism: a threat to democratic society" was also held in 2011. Reference was also made to the training organized by the Department of Extremism and Spectator Violence for the General Prosecution Service of the Slovak Republic and the Judicial Academy. The Government also provided information about projects at the county level dealing with racial intolerance and combating discrimination against the Roma; the preventive and educational programmes; and the lectures and conversations focusing on racism, the Holocaust, foreigners and ethnicity.

Spain

65. The Government of Spain indicated that the right to equality was enshrined in article 14 of the Constitution. The Ministry of Health, Social Policy and Equality has been established and is developing the Government's policy on equality and the prevention and elimination of all forms of discrimination.

66. The Council for the Promotion of Equal Treatment and the Prevention of Discrimination on the Basis of Racial or Ethnic Origin provides assistance to victims of discrimination, considers complaints, conducts studies and formulates recommendations on equal treatment and the prevention of discrimination based on racial and ethnic origin.

67. The Government referred to the 2011 Integral Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2012-2020 National Strategy for the Social Inclusion of Roma and the 2011-2014 Strategic Plan for Citizenship and Integration.

68. A map of the prevalence of discrimination in Spain is being developed in order to provide an understanding of the social perceptions of the population on discrimination and of the victims of discrimination. This map will constitute an

essential mechanism for improving legislation and the public policies aimed at guaranteeing equal treatment and non-discrimination in Spain.

69. The Government made reference to the 2011 Project Todoimás Forum entitled "For equal treatment and non-discrimination" at which representatives of the public administration debated with social actors and movements on the elements that policies should include to achieve equal treatment and non-discrimination. Reference was also made to the creation of a local plan of action against discrimination with the aim of providing local authorities with the tools to prepare policies as well as to create local offices for non-discrimination.

70. The 2010 General Law on Audiovisual Communication prohibits incitement to hatred or discrimination. Measures have been implemented in the context of the fight against racism and xenophobia on the Internet, including the establishment of the post of a special district attorney on cybercrime in all district attorneys' offices of the State and the creation of services specializing in cybercrime within the security forces of the State.

71. Several projects have been implemented to ensure the equal treatment of immigrants and ethnic minorities in employment. Some programmes are specifically focused on the Roma population, including in the area of education.

72. In terms of legislative measures, the Government referred to the anti-discrimination provisions set out in the Penal Code, as well as other legal provisions regarding the prohibition of discrimination against foreigners; the prohibition of racist political parties; discrimination in sport; and the elimination of racism, xenophobia and other forms of intolerance in specific fields, including in access to basic goods and social services.

Venezuela (Bolivarian Republic of)

73. The Government of the Bolivarian Republic of Venezuela stressed that extremist movements and groups constituted a threat to democracy. It condemns any attempt by any organization or movement to promote racist practices or restore ideologies based on racial, ethnic or religious superiority, as well as any contemporary statement of racism or xenophobia that tries to promote hate and racial discrimination.

74. The Government called upon the international community to effectively address the threats that the resurgence of racist practices and ideologies based on racial, ethnic or religious superiority represent, including by promoting policies that would contribute to the strengthening and consolidation of harmonious and democratic societies. It also called for the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the commitments of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference.

III. Contributions received from the United Nations system and non-governmental and other organizations

75. The Office of the United Nations High Commissioner for Refugees expressed concern about the prevalent climate of intolerance, xenophobia and racism against refugees, asylum seekers and other persons of concern to UNHCR in many countries. It indicated that national legal frameworks on racism were often too weak. For instance, criminal codes sometimes lack a definition of racial discrimination or fail to criminalize hate crimes or racist organizations; restrictive laws on asylum and migration sometimes disregard international refugee and human rights law, including those that penalize irregular entry and stay, allow prolonged detention of asylum seekers without the availability of a review process or fail to provide for proper safeguards and access to appeal to protect against refoulement. Moreover, discrimination on the basis of race or ethnic origin, sometimes in combination with discrimination on other grounds, is a recurring reason for the denial or deprivation of nationality and is therefore a cause of statelessness. Statelessness itself often leads to discrimination and where stateless populations belong to racial, ethnic or other minorities, their lack of nationality may reinforce existing patterns of discrimination.

76. Even in situations where the legal framework provides adequate protections against racial discrimination and related intolerance, implementation may still pose a problem. For instance, racist hate crimes against refugees and asylum seekers are frequent in many countries and can include killings, physical and sexual violence, verbal harassment and threats, damage to property and arson. Although these acts may be prohibited by law, lack of reporting or inaction on the part of police and the courts can create a culture of impunity. In particular, asylum seekers may be unaware of the legal rights and remedies available to them or may be reluctant to report hate crimes because they lack trust in the authorities or fear that their irregular status will cause them to be detained or deported. Many countries lack sufficient data collection mechanisms and often possess no official statistics on hate crimes.

77. Certain factors contribute to creating and reinforcing negative racial stereotypes, in particular the type of discourse prevalent in politics and in the media during periods of economic downturn. This discourse tends to characterize migrants and refugees as threats to the social security system, to the economy or to national security. The media often report on refugees and asylum seekers only in the context of criminality or "abuses" of the immigration or social system, rather than discussing refugees' positive contributions to society or the particular challenges they face. While politicians should strongly condemn racist attitudes and violence, they themselves often engage in extremist rhetoric, blaming migrants and refugees for social and economic problems or declaring the need to maintain a more homogeneous "national identity". The education system also plays an important role in shaping public attitudes, but in many countries, school curricula either ignore the contributions of racial minorities or portray them negatively.

78. Persons of concern are often denied essential social and economic rights or encounter discrimination when trying to access health care, employment, accommodation and education. These severe obstacles to durable social integration can further perpetuate the vicious cycle of poverty, exclusion and misunderstanding. Racial discrimination and xenophobia cause enormous challenges for refugees and

asylum seekers in accessing durable solutions because these problems prevent them from fully integrating into their country of asylum, resettlement or return.

79. Native American individuals and organizations provided information about challenges faced by Navajos living in the United States of America with regard to racism and racial discrimination, including inequality before the law and the lack of access to justice and legal remedies. They called for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

80. Amis des étrangers au Togo provided information about discrimination against women, elderly persons, people with disabilities and ethnic minorities in Togo. It indicated that migrants are particularly marginalized and discriminated against and that discrimination on the basis of sexual orientation remains a problem in Togo. Reference was made to the criminalization of homosexuality under the law.

81. The Lithuania without Nazism Association provided information about the falsification of history in Lithuania. It indicated that such falsification contributes to the rehabilitation of Nazism and creates fertile ground for nationalist and neo-Nazi manifestations. The Association indicated that permits for Nazi marches were issued at the municipality level, people sharing Nazi ideology serve in the army and Nazi flags and symbols are displayed on Hitler's birthday without sanction. Serious action should be taken to prevent revisionism of the Second World War, the denial of the Holocaust and the Nazi genocide and the glorification of Nazi criminals, which lead to the growth of neo-Nazi, xenophobic and anti-Semitic sentiments and foment inter-ethnic conflicts. The resolution adopted at the conference held on the International Day of Liberation of Prisoners of Nazi Concentration Camps held on 11 April 2012 in Lithuania was also mentioned.

82. The Association of Human Rights in Kurdistan of Iran provided information about the human rights situation of the Kurdish people in the Islamic Republic of Iran, including poverty, marginalization and discrimination experienced in the areas of employment, in both the public and private sectors, and in education, including access to universities, which impede their participation in economic life. The Association further indicated that while article 15 of the Iranian Constitution recognized the use of regional and tribal languages, in practice the Kurdish language was not taught in schools and there was a lack of its effective use in public life.

83. The BADIL Resource Center for Palestinian Residency and Refugee Rights provided information about the situation of Palestinian civilians in the Occupied Palestinian Territory and recalled, in this regard, the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the report of Israel in 2012.

84. In providing information about the situation in Northern Ireland, the British Irish Rights Watch stressed the importance of monitoring the human rights dimension of conflict and peace processes, integrating respect for human rights in all institutions and disseminating the human rights lessons learned from the conflict in order to promote peace and reconciliation and prevent conflict.

85. Adalah: Legal Center for Arab Minority Rights in Israel provided information about the Israeli legal, political and policy framework and its impact on the Arab citizens of Israel and the Arab Bedouin in the Naqab (Negev), including with regard to poverty, inequalities in education, employment and health, and participation in political and cultural life.

IV. Conclusions and recommendations

86. **The Special Rapporteur is grateful to all the Member States that provided information on the measures implemented pursuant to General Assembly resolution 66/143. He also appreciates the contributions received from the Office of the United Nations High Commissioner for Refugees and non-governmental and other organizations. He notes with appreciation the increase in the contributions received both from States and organizations, and recalls the importance of full cooperation with his mandate as stipulated in Human Rights Council resolution 16/33.**

87. **The Special Rapporteur notes that some States referred in their replies to the non-existence in their territory of the phenomena identified in General Assembly resolution 66/143 and to the limited influence of extreme right-wing political parties on public opinion in their countries. The Special Rapporteur would like to emphasize that the human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune to such phenomena. He calls upon States to ensure increased vigilance and strengthen efforts and political will in recognizing and addressing effectively such phenomena. In this regard, as stated in his reports to the Human Rights Council (A/HRC/20/33 and A/HRC/20/38), he recommends that States adopt a comprehensive approach based on solid preventive and legal frameworks complemented by key measures and enforced in an inclusive and effective manner in line with the relevant instruments, including the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference.**

88. **The Special Rapporteur welcomes information provided regarding the ratification of a range of instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and its incorporation into the domestic order at the constitutional level. He also appreciates the recognition by some States of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider individual communications. He urges those States that have not yet done so to ratify the Convention and to make the declaration under its article 14.**

89. **Several countries informed the Special Rapporteur that their constitution and legislation enshrine the principles of equality and non-discrimination and prohibit incitement to racial, religious and national hatred. Some States have also included discrimination based on sexual orientation in their legal framework, which is appreciated by the Special Rapporteur. Furthermore, the Special Rapporteur notes that some countries have adopted legislation specifically to address the challenges posed by extremist political parties, movements and groups, and have elaborated legal or constitutional provisions to prohibit organizations and associations that incite to discrimination, national, racial or religious hatred or violence and propagate fascist ideology. However the Special Rapporteur also notes that some States whose constitutions prohibit discrimination have not yet adopted legislation regarding racial discrimination. He further notes that legislation, when it exists, does not always include a definition of racial discrimination. The Special Rapporteur encourages States to adopt the necessary legislation to combat racism while ensuring that the definition of racial discrimination complies with article 1 of**

the Convention. In this regard, the Special Rapporteur recalls that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be in conformity with the relevant international human rights standards. He urges States to fully respect and implement their obligations under article 4 of the Convention and articles 19, 20, 21 and 22 of the International Covenant on Civil and Political Rights.

90. The Special Rapporteur notes with appreciation that several States have prescribed in their criminal code that racist and xenophobic motivation constitute an aggravating circumstance attracting heavier sanctions. He reiterates the recommendation made in his report to the Human Rights Council (A/HRC/20/38, para. 19) and calls upon States to ensure the effective implementation of such provisions in order to prevent and sanction racist or xenophobic attacks perpetrated by individuals or groups of individuals closely linked to extremist political parties, movements and groups.

91. While welcoming information provided regarding measures taken to prevent discrimination against members of minorities, people of African descent, the Roma, migrants, refugees and asylum seekers and to ensure their integration into society, the Special Rapporteur, in the light of the information provided by UNHCR, would like to urge States to ensure the full and effective implementation of legal, policy and institutional measures targeting these groups of individuals. The gap between the legal and institutional framework and the challenges faced by these vulnerable groups, including with regard to racist and xenophobic acts by extremist groups or individuals, remain of particular concern. Therefore, the Special Rapporteur recommends that States effectively guarantee to these groups, without discrimination of any kind, the right to security and access to justice, including through effective remedies, adequate reparation, legal aid and appropriate information about their rights, as well as the prosecution and adequate sanction of those responsible for racist crimes against them. In this respect, the Special Rapporteur would also like to recall paragraph 88 of the Durban Declaration, in which it is recognized that the media should represent the diversity of a multicultural society and play a role in fighting racism, racial discrimination, xenophobia and related intolerance.

92. Concerns expressed by the Special Rapporteur in his report to the Human Rights Council (A/HRC/20/38) regarding in particular the scapegoating of certain groups, including migrants, refugees and asylum seekers, in the context of the economic crisis, and the nationalistic rhetoric in which some traditional political parties have also engaged were raised in some of the contributions received. The Special Rapporteur reiterates the recommendations made in the aforementioned report regarding the responsibility of political leaders and parties in condemning and refraining from disseminating messages that scapegoat vulnerable groups and incite racial discrimination or xenophobia.

93. The Special Rapporteur notes with interest the institutional measures taken by States in order to tackle extremism, including through national institutions with a general human rights mandate or a specific mandate to fight against racial discrimination and competent to receive and consider complaints

from individuals. He reiterates that States should provide the necessary resources to such institutions while fully respecting their independence, in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex). The Special Rapporteur calls upon those States that have not yet established such institutions, or institutions that do not conform to the Paris Principles, to remedy this situation.

94. The Special Rapporteur takes note of information regarding the lack of sufficient data collection mechanisms and the absence of official statistics on hate crimes. He urges States to collect data on racist and xenophobic incidents, including those perpetrated by individuals affiliated with extremist political parties, movements or groups, while fully respecting international human rights standards and involving the victims and civil society organizations.

95. A number of positive initiatives have been identified in States' replies and include awareness-raising activities to foster tolerance, respect for cultural diversity and mutual understanding, and the organization of conferences on extremism, lectures on racism and initiatives aimed at bringing different communities together. The Special Rapporteur is of the view that the organization of cultural events, research work, festivals, conferences, seminars, exhibitions and information campaigns are further positive measures which contribute to the building of a society based on pluralism and non-discrimination (A/65/323, para. 110). He therefore encourages States to strengthen the implementation of such initiatives in order to prevent the rise and the influence of extremist ideologies based on racial superiority propagated by extremist political parties, movements and groups.

96. Training provided to State agents, including the police and immigration officers, on human rights and non-discrimination and the gathering of information on extremist groups are welcomed by the Special Rapporteur. He encourages States to adopt further measures to sensitize the police on the ideologies of extremist political parties, movements and groups that incite racial discrimination and xenophobia. He further recommends the strengthening of their capacity to address racist and xenophobic crimes and actively engage with groups and individuals particularly vulnerable to racist acts by extremist individuals or groups.

97. Some States provided information about the use of the Internet to foster a culture of peace and tolerance and the creation of websites where individuals can file complaints against a blog or website with racist content. The Special Rapporteur welcomes the positive approach promoted with respect to the use of the Internet and recalls in this regard paragraph 92 of the Durban Declaration according to which States recognize the need to promote the use of new information and communication technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance. He further recommends the implementation of the recommendations made in his report to the General Assembly focusing on racism and the Internet.

98. The Special Rapporteur welcomes the measures developed by some States to prevent the negative influence of extremist political parties, movements and groups on youth, including educational measures, and courses aimed at

sensitizing young children and developing their ability to interact in a multi-ethnic and multi-confessional environment. The Special Rapporteur recommends the increase of measures to raise awareness among the youth on the dangers of ideologies and activities of extremist political parties, movements and groups. In this regard, education in general and human rights education in particular remains a key tool in countering the influence of these ideologies among the youth.

99. **The Special Rapporteur notes with appreciation the emphasis put on human rights education in some replies. He appreciates in particular information provided about the studying of languages, history and cultures of ethnic minorities in schools, the inclusion of the issue of the Holocaust in school curricula, as well as the incorporation of human rights principles and the culture of tolerance into the academic curricula at all levels. The Special Rapporteur recommends that States continue to invest in education in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence. He further recommends cooperation with the United Nations Educational, Scientific and Cultural Organization, including in the framework of the relevant programmes set up by the organization regarding human rights education, racism and racial discrimination.**

100. **The Special Rapporteur welcomes the information regarding coordination between the different governmental structures in order to maximize efforts on the issue of equality and non-discrimination. He encourages such coordinated efforts, and also recommends the inclusion of a variety of actors, including civil society actors and national human rights institutions. Furthermore, the Special Rapporteur welcomes the initiatives taken to ensure cooperation at the regional level, including through seminars and conferences, and the ratification of the relevant regional human rights instruments. He reiterates the recommendations made by his predecessor regarding the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements.**